



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **10732-22 C.B.**

AGENCY DKT. NO. **S561759009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that Petitioner received SNAP benefits to which she was not entitled, and which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 16, 2023, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. On February 22, 2023, the ALJ issued an Initial Decision, affirming the overissuance of SNAP benefits issued to Petitioner.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency determination, based on the discussion below.

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87-1.1(a). In the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. One type of overpayment which is subject to recoupment is one which results from "an action or failure to take action by the [Agency]," called an "Agency Error" ("AE"). See N.J.A.C. 10:87-11.20(e)(3). Repayment of overissuances may be sought for amounts going back six years prior to the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner received an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 3. The record in this matter reveals that Petitioner previously had incurred three separate Intentional Program Violations ("IPVs"). *Id.* at 1, 2. In accordance with applicable regulatory authority, Petitioner was permanently disqualified from the receipt of SNAP



benefits due to the three separate IPVs. Id. at 2, 3; see also N.J.A.C. 10:87-11.2(a)(1)-(3). Petitioner acknowledged that the evidence presented substantiated the three IPVs she had incurred, and that she had been permanently disqualified from the receipt of SNAP benefits. See Initial Decision at 2. However, at a time when she was applying for Medicaid benefits, she was encouraged by the caseworker to also apply for SNAP benefits, and without any fraudulent intention, Petitioner believed she would not have been approved for same if she had not been eligible, or then reapplied multiple times at recertification. Id. at 2-3. As a result of the Agency's error, Petitioner received monthly SNAP benefits from January, 2017, through September, 2022, totaling \$15,613, to which she was not entitled and which must now be recouped, regardless of fault. Id. at 3; see also N.J.A.C. 10:87-11.20. Accordingly, the ALJ concluded that Petitioner was overissued SNAP benefits to which she was not entitled during the time period claimed, and as such, the Agency is entitled to recoup, and Petitioner must repay, the overissuance of SNAP benefits to which she was not eligible to receive. See Initial Decision at 3; see also N.J.A.C. 10:87-11.20(b), (e)(3). I agree.

I ORDER and direct that the Agency proceed to recoup the overissuance.

Accordingly, the Initial Decision in this matter is ADOPTED, the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. March 21, 2023

Natasha Johnson
Assistant Commissioner

