



## State of New Jersey

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TRENTON, NJ 08625-0716

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*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 03393-23 E.C.

AGENCY DKT. NO. C130068003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner challenges the correctness of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that for the period beginning September 2016, through November 2016, 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. A hearing was initially scheduled for May 15, 2023, but was adjourned to May 18, 2023, to allow the Agency the opportunity to determine if it would reduce or waive the overpayment amount. On May 18, 2023, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence, and the record closed. The record was reopened on May 19, 2023, due to a request by the ALJ for additional documentation, and upon receipt of same, the record again closed on May 22, 2023. On May 26, 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 3-7; see also Exhibit R-1 at Exhibits A, B, and C. The record in this matter reveals that Petitioner's spouse D.C. started working on July 11, 2016, received his first paycheck on July 21, 2016, and reported his new income to the Agency on July 25, 2016. See Initial Decision at 4; see also Exhibits R-1 at Exhibit B, and R-2. However, during the time at issue, it appears that due to an AE, the Agency failed to budget Petitioner's earned income into its calculation for an updated SNAP benefits amount. See Initial Decision at 4. As a result, from September 2016, through November 2016, Petitioner received SNAP benefits to which she was not entitled, in the aggregate amount of \$1,946.43. Id. at 4, 6-7. During the hearing, Petitioner did not disagree that she had received SNAP benefits to which she was not entitled, but maintained that she should not be responsible for repayment due to someone else's mistake. Id. at 3, 6-7. Regardless, the ALJ found that, in accordance with applicable regulatory authority, when an overpayment is discovered by the Agency, whereby a SNAP benefits recipient received benefits to which they were not entitled, the overissuance must be repaid, regardless of fault. Id. at 6-7; 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 the amount of \$1,946.43, and that Petitioner must repay, the overissuance of SNAP benefits which she was not eligible to receive. See Initial Decision at 7; 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. July 11, 2023

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Natasha Johnson  
Assistant Commissioner

