



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

TRENTON, NJ 08625-0716

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 **01764-23 E.T.**

AGENCY DKT. NO. **C259302009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner challenges the correctness of the Respondent Agency's claim for recoupment of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner during the period of January 2022 to August 2022. The Agency asserts that Petitioner's household received benefits to which it was not entitled, thus resulting in an overissuance of benefits which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On April 20, 2023, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open to allow the parties the opportunity to submit post hearing statements, and then closed on April 23, 2023. On June 8 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on June 26, 2023.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the 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 "a misunderstanding or unintended error on the part of the household" receiving benefits, called an "Inadvertent Household Error" ("IHE"). See N.J.A.C. 10:87-11.20(e)(2). 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 Petitioner had failed to report earned income to the Agency from January 2022 to August 2022, which resulted in an overissuance of SNAP benefits in the amount of \$4,432, to which Petitioner was not entitled. See Initial Decision at 2-3; see also Exhibit R-1 at 1-8, 11, 13-20. The record also reflects that Petitioner acknowledged her employment during the time at issue, and that, upon



learning of Petitioner's unreported income, the Agency had verified said income with her employer. See Initial Decision at 2. Accordingly, the ALJ concluded that the Agency had properly determined that Petitioner had received an overissuance of SNAP benefits in the amount of \$4,432, to which she was not entitled and which now must be repaid. See Initial Decision at 3-4; see also Exhibit R-1 at Exhibit R-1 at 1-8, 11, 13-20, and N.J.A.C. 10:87-11.20(e)(2). I agree, and as such, I ORDER and direct the Agency to proceed to recoup the overissuance.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED.

Officially approved final version.

July 25, 2023

---

Natasha Johnson

Assistant Commissioner

