



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **07075-23 J.L.**

AGENCY DKT. NO. **C157150015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner challenges the correctness of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that Petitioner's household received SNAP benefits to which they were not entitled, as the result of a failure to report earned self-employment income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 29, 2023, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On September 14, 2023, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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 a review of the record, I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency determinations, 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 up to six years following the time that the Agency becomes aware of the overissuance. See N.J.A.C. 10:87-11.20(f)(1)(i). In accordance with N.J.A.C. 10:87-11.20(d)(1), all adults who were members of a SNAP household at the time an overpayment occurred are responsible for payment of the overpayment claim.

Here, the ALJ found that the Agency has met its burden in establishing, by a preponderance of the credible evidence, that Petitioner's household, comprised of J.L. and T.L., received an overissuance of SNAP benefits to which they were not entitled. See Initial Decision at 5-6. Specifically, due to an IHE, Petitioner's household had failed to report earned income, which resulted in an overissuance



of SNAP benefits to Petitioner's household in the amount of \$13,388.21 between June 2017 to May 2019, and May 2021 to August 2021. Petitioner's household did not receive SNAP benefits from June 2019 to May 2020. See Exhibit R-5. Additionally, G.L., who joined the household in June 2020 and left in April 2021, may be held responsible for an overissuance totaling \$8,770, along with J.L. and T.L., during the time period that he was a member of the SNAP household. See Initial Decision at 3-6; see also Exhibits R-5, and N.J.A.C. 10:87-5.2(a)(1), -5.4(a)(2), -5.4(1a)(3), -9, -11.20(d)(1) and DFDI No. 13-12-01. In sum, Petitioner's household, J.L. and T.L., are responsible for a combined total of \$22,158.21 in overissued SNAP benefits, of which former SNAP household member, G.L., may also be held responsible for \$8,770, which comprises the overissuance of SNAP benefits that occurred during the period he resided in the SNAP household, between June 2020 to April 2021. Ibid.

Based on the record presented, the ALJ in this matter concluded that Petitioner, T.L. and G.L., were overissued SNAP benefits to which they were not entitled during the time periods claimed, and as such, the Agency is entitled to recoup, and Petitioner, T.L. and G.L., must repay, the overissued SNAP benefits to which they were not eligible to receive. See Initial Decision at 6; see also N.J.A.C. 10:87-11.20(b), (d)(1), (e)(2). I agree.

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

Accordingly, the Initial Decision in this matter is ADOPTED, and the Agency's determinations are AFFIRMED.

Officially approved final version. December 07, 2023

Natasha Johnson
Assistant Commissioner

