



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 **06099-23 J.L.**

AGENCY DKT. NO. **C040458019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between September 2015, and January 2016. The Agency asserts that Petitioner's household received SNAP benefits to which it was not entitled, thereby 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 August 29, 2023, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open until August 30, 2023, for the parties to submit additional documentation, and then closed. On September 6, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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 MODIFY 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).

An independent review of the record reflects that Petitioner applied for SNAP benefits in September 2015. See Initial Decision at 2. In determining Petitioner's eligibility for SNAP benefits, the Agency counted Petitioner's monthly Veteran's Affairs ("VA") benefits of \$1,156, together with his wife's monthly



earned income at that time. Ibid. The record further reflects that the VA notified Petitioner on November 2, 2015, that his monthly VA benefits would increase to \$3,068.90, retroactive to August 1, 2015, with an additional increase to \$3,187.60, retroactive to October 1, 2015. Id. at 3; see also Exhibit R-1 at 16. The VA later notified Petitioner on November 18, 2015, that the \$3,187.60 disability pension would be deemed effective retroactive to December 1, 2104. See Exhibit R-1 at 17. While the letters from the VA pertaining to these increases were sent to Petitioner in November, 2015, it does not appear that Petitioner provided copies to the Agency until January and February, 2016. Id. at 16, 17. As a result of these increases, Petitioner's household became ineligible for SNAP benefits, and Petitioner's SNAP benefits were terminated at some point in January, 2016. Id. at 27-34, 42.

Thereafter, in March 2016, Petitioner again applied for SNAP benefits, as his wife had become unemployed, and due to the lack of earned income, the household again became eligible for SNAP benefits, and continued to receive SNAP benefits through January, 2017. See Initial Decision at 3; see also Exhibit R-1 at 42. However, the record shows that in November, 2016, Petitioner was rewarded retroactive eligibility for Retirement, Survivors and Disability Insurance ("RSDI") benefits, with a lump sum for the retroactive time period, in the amount of \$31,780.00 being issued to Petitioner on November 17, 2016, which also rendered Petitioner's household ineligible for SNAP benefits during that month. See Initial Decision at 3; see also Exhibit R-1 at 18. The Agency was later notified of this lump sum payment in December, 2016. See Exhibit R-1 at 18.

In December 2020, the Agency determined that Petitioner had received SNAP benefits to which he was not entitled, totaling \$1890.00, for the period from September 2015 to January 2016, as a result of the increase in VA benefits, and also in November 2016, due to the lump sum of retroactive RSDI benefits. See Initial Decision at 2; see also N.J.A.C. 10:87-9.5(a)(1)(iii), (2) and Exhibit R-1 at 27-40. Following a review of the facts in this case, the ALJ determined that, as Petitioner was not notified of the increase in benefits until November, 2015, no overissuance of benefits would result for September and October, 2015, thereby reducing the total amount of overissuance. See Initial Decision at 3-4. I agree.

The ALJ also found that the evidence presented substantiated that the Agency had timely established the claim in this matter in 2020, and furthermore, that the Agency had correctly calculated the overissuance amounts for the months in question, totaling \$1,221, for benefits to which Petitioner was not entitled, and which must now be repaid. Id. at 5-7; see also N.J.A.C. 10:87-11.20(e)(2), (i)(2). I also agree. As such, I direct that the Agency proceed to recoup the revised overissuance amount of \$1,221. The Agency's demand is hereby modified to reflect this amount. See Exhibit R-1 at 6.

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

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is MODIFIED, as outlined above.

Officially approved final version. October 5, 2023

Natasha Johnson
Assistant Commissioner

