



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 11017-22 K.B.

AGENCY DKT. NO. C102194008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals the correctness of a Supplemental Nutrition Assistance Program ("SNAP") recoupment by the Respondent Agency, due to an overissuance. The Agency asserts that Petitioner received SNAP benefits to which she was not entitled, as the result of a failure to accurately report her household composition, and household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 10, 2023, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. On February 24, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

As Assistant Commissioner, Division of Family Development, 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 action, based on the discussion below.

Every SNAP application shall be made on behalf of a household. See N.J.A.C. 10:87-2.1. It is critically important to determine exactly who comprises the SNAP household, since all considerations of eligibility will follow from this initial determination. *Ibid.*

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 overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the record reflects that, on June 25, 2021, a fraud investigation had commenced relating to Petitioner, a SNAP benefits recipient. See Initial Decision at 4; see also Exhibit R-1 at 28. The Agency obtained a copy of Petitioner's child's birth certificate, and it listed Petitioner and E.C., the father of



Petitioner's child, as having the same home address. See Initial Decision at 4; see also Exhibit R-1 at 29. According to the Agency, as of January, 2020, Petitioner reported that her SNAP household was comprised of only Petitioner and her two children. See Initial Decision at 7. E.C.'s earned income was not reported, nor was it reported that he resided in the same household. Ibid.

An Agency investigation revealed that E.C. had been employed, had earned income since July 17, 2019, and that his residence as listed was the same as Petitioner's. See Initial Decision at 5; see also Exhibit R-1 at 79-86. A background check for E.C. revealed, among other items, that Petitioner and E.C. owned two cars together that were registered to the same address, and that the address on E.C.'s driver's license is the same as Petitioner's. Id. at 5; see also Exhibit R-1 at 37-48. Lastly, the birth certificates for Petitioner's children listed E.C. as the father, while having the same address as Petitioner. See Initial Decision 5; see also Exhibit R-1 at 29, 31. On August 20, 2021, the Agency determined that due to an IHE, Petitioner received an overissuance of SNAP benefits in the amount of \$5,424, for the period beginning January, 2020, through September, 2021. See Initial Decision at 6; see also Exhibit R-1 at 26-48, 49-56, and N.J.A.C. 10:87-2.2(c) (1), -5.4(a)(1), -6.16, -12.4.

Based on the evidence presented, the ALJ found that E.C. had lived in the same home as Petitioner and their children, for the entire period that Petitioner had received an overissuance of SNAP benefits, specifically, from January, 2020, through September, 2021, and therefore, Petitioner was required to report E.C.'s residency and his income to the Agency, but did not do so. See Initial Decision at 8. The ALJ further found that E.C.'s income caused Petitioner's household's total monthly gross income to exceed the threshold permitted for SNAP eligibility, which caused an overissuance of SNAP benefits totaling \$5,424. Id. at 8-9; see also Exhibit R-1 at 3-16, 17-22, and N.J.A.C. 10:87-2.2(c) (1), -5.4(a)(1), -6.16, -12.4.

Accordingly, the ALJ concluded that from January, 2020, through September, 2021, Petitioner's household had received an overissuance of SNAP benefits in the amount of \$5,424, to which it was not entitled, which must be repaid, and affirmed the Agency's demand for repayment. See Initial Decision at 9; see also Exhibit R-1 at 3-16. I agree.

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

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

Officially approved final version. April 13, 2023

Natasha Johnson
Assistant Commissioner

