



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 **10756-22 K.R.**

AGENCY DKT. NO. **C194813013 (MONMOUTH COUNTY DIV. 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 May, 2020, and December, 2021. The Agency asserts that Petitioner's household received SNAP benefits to which it was not entitled, 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. A hearing was initially scheduled for December 22, 2022, but was adjourned at Petitioner's request to consult counsel. The matter was rescheduled for January 27, 2023, but again adjourned at the request of Petitioner. Thereafter, the matter was rescheduled for February 24, 2023, and on that date, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 2, 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 ("DFD"), Department of Human Services, I have reviewed the record in this matter and I hereby MODIFY 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).

Regulatory authority applicable to SNAP benefit cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3.



In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. In accordance with N.J.A.C. 10:87-6.16(d)(1), households which contain an elderly or permanently disabled individual, as defined by N.J.A.C. 10:87-2.34, must meet the net income test for SNAP eligibility. N.J.A.C. 10:87-6.16(d)(2), states that households that do not contain an elderly or permanently disabled household member must meet both the gross income test, as well as the net income test, meaning that the respective income amounts must be below the established standards. See also N.J.A.C. 10:87-12.3, -12.4.

Gross income is determined by adding together the household's monthly earned and unearned income, minus any earned income exclusions. See N.J.A.C. 10:87-6.16(b), (b)(1). That total gross income amount is then utilized to determine a household's SNAP eligibility in accordance with N.J.A.C. 10:87-6.16(d)(1) and (2).

Here, the record reflects that Petitioner submitted a recertification application for SNAP benefits in September, 2021, and failed to report earned income. See Initial Decision at 3. Petitioner had previously been receiving SNAP benefits, and had acknowledged, through his prior applications, that he was required to report any change in monthly income. *Id.* at 2. Upon receipt of income verification documentation, the Agency determined that Petitioner had earned income from May, 2020, through December, 2021. See Initial Decision at 3. As a result of that earned income, with the exception of July, August and September, 2020, Petitioner's gross income exceeded the maximum allowable for receipt of SNAP benefits. See Initial Decision at 3; see also Exhibit R-5. It was determined that, based upon Petitioner's earned income during the time period in question, Petitioner had received an overissuance of SNAP benefits totaling \$3,448. *Ibid.* The ALJ in this matter found that the evidence presented substantiated that Petitioner had received an overissuance to which he was not entitled, in the amount of \$3,448, between May, 2020, and December, 2021, and must now be repaid. See Initial Decision at 5; see also Exhibit R-5 and N.J.A.C. 10:87-11.20(e)(2). I agree. As such, I direct that the Agency proceed to recoup the overissuance.

Additionally, the transmittal in this matter references an additional contested issue regarding a termination of SNAP benefits which was not directly addressed by the ALJ in this matter. However, based on the record presented, it is clear that Petitioner's gross monthly income of \$2,292 exceeds the maximum allowable gross income for a household of one person of \$2,096, and therefore, I find that the September 21, 2022, termination of Petitioner's SNAP benefits was proper and must stand. See Exhibit R-6; see also DFD Instruction ("DFDI") No. 22-09-02 at 14. The Initial Decision is modified to reflect this finding.

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

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

Officially approved final version. April 5, 2023

Natasha Johnson
Assistant Commissioner

