



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 **04600-22 K.S.**

AGENCY DKT. NO. **C061158011 (MERCER COUNTY BOARD OF SOC. SVCS..)**

Petitioner challenges the correctness of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that for the period beginning February, 2016, through August, 2016, Petitioner received SNAP benefits to which she was not entitled, and which must now be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for June 28, 2022, but was adjourned at the request of both parties. The matter was rescheduled for August 23, 2022, but was again adjourned because Petitioner had not received the Agency's supporting exhibits. The case was again listed for hearing on September 13, 2022, but again adjourned. The matter finally proceeded on November 1, 2022, before the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"). The ALJ held a telephonic plenary hearing, took testimony and admitted documents into evidence. On November 21, 2022, the ALJ issued an Initial Decision, affirming the overissuance of SNAP benefits issued to Petitioner.

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 an independent review of the record, I hereby ADOPT the ALJ's 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).

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. Additionally, for SNAP benefits cases, unearned income includes child support or alimony payments made directly to the household by non-household members. See N.J.A.C. 10:87-5.5(a)(5).

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.

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).

An independent review of the record in this matter reflects that, during the time period in question, February 2016, through August 2016, Petitioner failed to report unearned income in the form of child support payments while receiving SNAP benefits. See Exhibit R-7. In accordance with applicable regulatory authority, child support payments must be included in the eligibility calculations for SNAP benefits. See N.J.A.C. 10:87-5.5(a)(5). The record further shows that when the child supports payments were included in the SNAP benefits eligibility calculations, Petitioner's calculated net income exceeded the maximum allowable net income limit for her household size. See Exhibits R-9, R-10; see also Initial Decision at 7 and N.J.A.C. 10:87-6.16(d)(2), -12.3, -12.4. Based on the foregoing, the ALJ in this matter found that the evidence presented substantiated that, due to Petitioner's failure to report the child support payments during the time period in question, Petitioner had received an overissuance of SNAP benefits in the amount of \$1,715, between February 2016, and August 2016, to which she was not entitled, and which must now be repaid. See Initial Decision at 7-8; see also N.J.A.C. 10:87-11.20(e)(2). I agree.

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

By way of further comment, only one adjournment of no more than 30 days is permissible in SNAP cases. See N.J.A.C. 1:10-9.1(a), (b), N.J.A.C. 10:87-8.6(a)(4)(i) and 7 C.F.R. 273.15(c)(4).

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

Officially approved final version. January 18, 2023

Natasha Johnson
Assistant Commissioner

