



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 **02973-23 L.O.**

AGENCY DKT. NO. **S951298009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's termination of Supplemental Nutrition Assistance Program ("SNAP") benefits, and challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's SNAP benefits, contending that she was not eligible for said benefits. The Agency further asserts that Petitioner received SNAP benefits to which she was not entitled, and which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 12, 2023, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On June 30, 2023, the ALJ issued an Initial Decision, affirming the termination of Petitioner's SNAP benefits, and affirming the overissuance of SNAP benefits.

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). 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 "an action or failure to take action by the [Agency]," called an "Agency Error" ("AE"). See N.J.A.C. 10:87-11.20(e)(3). 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).

Here, the ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that due to an administrative error Petitioner had received an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 3-6; see also Exhibit R-1 at 5-9. The



record in this matter reveals that Petitioner had previously incurred three separate Intentional Program Violations (“IPVs”). See Initial Decision at 2-4; see also Exhibit R-1 at 2, 9, 15-18. In accordance with applicable regulatory authority, Petitioner was permanently disqualified from the receipt of SNAP benefits due to the three separate IPVs. See Initial Decision at 5-6; see also N.J.A.C. 10:87-11.2(a) (1)-(3). Consequently, upon learning of Petitioner’s permanent SNAP disqualification, the Agency terminated her SNAP benefits. See Initial Decision at 2, 5; see also Exhibit R-1 at 10-13. The ALJ found that the evidence presented substantiated the three IPVs Petitioner had incurred, that Petitioner had knowledge of those IPVs, and that she had been permanently disqualified from the receipt of SNAP benefits. See Initial Decision at 2-7; see also Exhibit R-1 at 2, 9, 15-18, and N.J.A.C. 10:87-11.2(a) (1)-(3). However, prior to the Agency’s knowledge of Petitioner’s permanent disqualification, and its consequent termination of her SNAP benefits, Petitioner applied for and erroneously received SNAP benefits. See Initial Decision at 2, 4-5. As a result of the Agency’s error, Petitioner received monthly SNAP benefits from August 2022, through November 2022, totaling \$1,196, to which she was not entitled and which must now be recouped, regardless of fault. See Initial Decision at 2, 5; see also N.J.A.C. 10:87-11.20. Based on the foregoing, the ALJ concluded that the Agency’s termination of Petitioner’s SNAP benefits was proper and must stand, and further, that Petitioner was overissued SNAP benefits to which she was not entitled during the time period claimed, and as such, the Agency is entitled to recoup, and Petitioner must repay, the overissuance of SNAP benefits to which she was not eligible to receive. See Initial Decision at 6-7; see also Exhibit R-1 at 3-14, and N.J.A.C. 10:87-11.2(a) (3), -11.20(b), (e)(3). I agree.

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

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

Officially approved final version. August 17, 2023

Natasha Johnson
Assistant Commissioner

