



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **06660-23 L.S.**

AGENCY DKT. NO. **C234385009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of SNAP benefits issued to Petitioners between October, 2022, and January, 2023. 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 September 28, 2023, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open for the parties to submit documentation referenced at the hearing, and then closed on October 2, 2023. On October 16, 2023, the ALJ issued an Initial Decision, affirming the Agency's overissuance, and ordering that same be repaid.

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 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).

In the present matter, the ALJ issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-5. Specifically, the ALJ found that Petitioner applied for



SNAP benefits on October 20, 2022. See Initial Decision at 2. The record shows that the earned income of Petitioner's spouse, K.S., was not included in the household's eligibility determination. Ibid. Petitioner had included K.S. on her application for SNAP benefits, and while Petitioner maintained that she had submitted earnings statements for K.S., the record reflects that the Agency learned of K.S.'s earned income through other means. Id. at 4. While Petitioner's spouse was not himself eligible for SNAP benefits at the time, due to his alien status, his earned income must be included in the household's eligibility determination. Id. at 2; see also N.J.A.C. 10:87-5.6(b). Based on the foregoing, the ALJ found that the evidence presented substantiated that the omission of K.S.'s income from the household's earned income had resulted in an overissuance of SNAP benefits totaling \$3,756, which must be repaid. See Initial Decision at 2-4; see also Exhibit R-1 and N.J.A.C. 10:87-5.6(b), -11.20(e)(2). Based on an independent review of the record, I agree. As such, I direct that the Agency proceed to recoup the overissuance.

By way of comment, the transmittal in this matter indicates an additional contested issue regarding a termination of SNAP benefits, which was not addressed in the ALJ's Initial Decision. Therefore, if Petitioner still contests a termination of SNAP benefits, she is without prejudice to request a fair hearing on that issue alone.

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

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

Officially approved final version. November 6, 2023

Natasha Johnson
Assistant Commissioner

