



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 **10133-22 L.W.**

AGENCY DKT. NO. **C090663018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency asserts that Petitioner's household received SNAP and WFNJ/TANF benefits to which it was not entitled, resulting in overissuances of benefits which must be recouped. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On December 6, 2022, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 20, 2022, the ALJ issued an Initial Decision, affirming the Agency's determinations.

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.

N.J.A.C. 10:87-8.7(a) states that a SNAP benefits recipient, contesting an Agency's adverse action, may receive continued benefits pending a fair hearing if the hearing request is timely made and the certification period has not expired. Further, "if the [Agency] action is upheld by the hearing decision, a claim against the household shall be established for all overissuances (see N.J.A.C. 10:87-11.20)."

In the instance of an overpayment of SNAP benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. A 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).

Similarly, under the WFNJ regulations, a recipient is required to satisfy any repayment obligation pursuant to state or Federal law governing public assistance. See N.J.A.C. 10:90-2.2(a)(7). An



overpayment of WFNJ benefits, including Emergency Assistance benefits, is subject to recoupment, “regardless of fault, including overpayments caused by administrative action or inaction and overpayments resulting from assistance paid pending hearing decisions.” See N.J.A.C. 10:90-3.21(a) (1).

A review of the record reveals that the first overissuance in this matter was due to duplicate SNAP benefits having been issued in Middlesex County and Pennsylvania from September 2019, through January 2020, in the amount of \$2,665. See Initial Decision at 2. The claim on this overissuance was established on April 16, 2020, and Petitioner’s SNAP benefits case was closed in May 2020. Ibid. Petitioner then requested a fair hearing, and requested continued benefits pending the fair hearing. See Initial Decision at 2, 3-4. Petitioner did not appear for the fair hearing, and as a result, Petitioner is responsible for the continued benefits issued pending the fair hearing, specifically, SNAP benefits in the amount of \$1,352, covering July and July 2020, as well as WFNJ/TANF benefits in the amount of \$1,925.14, for the months of June 2020, to August 2020. Ibid.

The ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner had received duplicate benefits from Middlesex County during the time period in question, while also receiving SNAP benefits from Pennsylvania. See Initial Decision at 4-5. Additionally, the ALJ found that the record establishes that Petitioner received continued SNAP and WFNJ/TANF benefits while awaiting a fair hearing, and when Petitioner did not appear for that fair hearing, Petitioner became responsible for the continued benefits issued to her. Ibid. The ALJ therefore concluded that Petitioner received overissuances of SNAP and WFNJ/TANF benefits which must be repaid. See Initial Decision at 5; see also N.J.A.C. 10:87-8.7(a), N.J.A.C. 10:87-11.20(e)(2), N.J.A.C. 10:90-3.21(a)(1). I agree.

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

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

Officially approved final version. February 21, 2023

Natasha Johnson
Assistant Commissioner

