



## State of New Jersey

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*Governor*

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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 **09058-22 M.G.**

AGENCY DKT. NO. **C088425008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner appeals the correctness of a Supplemental Nutrition Assistance Program ("SNAP") recoupment by the Respondent Agency, due to an overissuance. The Agency asserts that Petitioner received SNAP benefits to which he was not entitled, as the result of a failure to report a change in household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 10, 2022, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. On November, 25, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

As Assistant Commissioner, Division of Family Development, 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 action.

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 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).

Here, the record reflects that on September 28, 2021, B.G. applied for SNAP benefits. See Initial Decision at 5-6; see also Exhibit R-1 at 46-54. B.G. reported no household income, and that the household included Petitioner, B.G., and two minor children. Ibid. On November 12, 2021, the Agency discovered that Petitioner had been employed since September 16, 2021. See Initial Decision at 6; see also Exhibit R-1 at 18, 21-22, 23. Neither B.G., nor Petitioner, reported Petitioner's earned income. See Initial Decision at 6. Based upon Petitioner's unreported earned income, the Agency determined that Petitioner's household income exceeded the permissible gross income limit for a four-person household,



and terminated B.G.'s SNAP benefits, effective March 1, 2022. Ibid.; see also Exhibit R-1 at 24, 25, 26, 27, 28, and N.J.A.C. 10:87-5.4(a)(1), -6.16. Thereafter, on August 17, 2022, as a result of a referral to the Agency's overpayment unit, the Agency further determined that due to an IHE, Petitioner received an overissuance of SNAP benefits in the amount of \$4,650, for the period beginning October, 2021, through February, 2022. See Initial Decision at 6; see also Exhibit R-1 at 3-16, 17, 31-33, 58-60, and N.J.A.C. 10:87-11.20(e)(2).

Based on the evidence presented, the ALJ concluded that Petitioner's household had received an overissuance of SNAP benefits to which it was not entitled, which must be repaid, and affirmed the Agency's demand for repayment. See Initial Decision at 8; see also Exhibit R-1 at 3-16. I agree.

Petitioner also contends that he should not be responsible for repaying the overissuance, as he did not sign the application for SNAP benefits. See Initial Decision at 2. However, the ALJ correctly found that the Agency is required to collect on all claims for overpayments, and that Petitioner is also responsible for repayment, as he was an adult member of the household when the overpayment had occurred. See Initial Decision at 7; see also N.J.A.C. 10:87-11.20(d)(1). I also agree, and note that overissuances must be repaid, regardless of fault, as any overissuance of SNAP benefits cannot result in a windfall to Petitioner and the household. See N.J.A.C. 10:87-11.20.

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

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

Officially approved final version. February 16, 2023

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Natasha Johnson  
Assistant Commissioner

