



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 **00716-23 N.C.**

AGENCY DKT. NO. **C207363004 (CAMDEN-CCBSS)**

Petitioner challenges the correctness of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that Petitioner received SNAP benefits to which she was not entitled, as the result of an agency error, which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 13, 2023, the Honorable Kimberly M. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. The record remained open to allow Petitioner to submit rebuttal documents. No such documents were submitted, and the record then closed on April 3, 2023. On April 12, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

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 is caused by an action of the Agency itself, called an Agency Error ("AE"). N.J.A.C. 10:87-11.20(e)(3). 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, based on a very thorough and comprehensive outline of the procedural history, a detailed factual timeline, and the rendering of a well thought out analysis, applying law to fact, the ALJ found that Petitioner received an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 2-7; see also Exhibit R-1. Specifically, due to an AE, the Agency failed to include Petitioner's earned income in its calculation of Petitioner's SNAP benefits amount at recertifications in May 2020, November 2020, and April 2021, despite Petitioner's disclosure of same, which resulted in an overissuance of



SNAP benefits to Petitioner in the total amount of \$8,180 from March 2020, through January 2022. See Initial Decision at 2-6; see also Exhibit R-1, and N.J.A.C. 10:87-5.2(a)(1), (2), -9.5. The Agency acknowledges that the overpayment was a result of an AE. See Initial Decision at 6; see also Exhibit R-1 at 1-5, and N.J.A.C. 10:87-11.20(e)(3). Petitioner does not dispute her earned income, or that she was overissued SNAP benefits, but maintains that she had disclosed her earned income, and that she should not be responsible to repay the overissuance which was the result of an AE. See Initial Decision at 5, 7; see also N.J.A.C. 10:87-5.2(a)(1). On January 31, 2023, the Agency established the overpayment claim, notifying Petitioner of the demand to repay the overissued SNAP benefits totaling \$8,180. See Initial Decision at 6-7; see also Exhibit R-1 at 2-5, and N.J.A.C. 10:87-11.20(f)(1)(i), (g). Based on the foregoing, the ALJ concluded that, in accordance with applicable regulatory authority, the Agency was required to collect on all SNAP overpayments, regardless of fault, and affirmed the Agency's demand for repayment. See Initial Decision at 6-8; see also Exhibit R-1 at 2-5, and N.J.A.C. 10:87-11.20(a), (b), (d)(1), (e)(3). I agree.

Further, I find that an Agency error cannot result in a windfall to Petitioner, as receipt of an overissuance of SNAP benefits is money that Petitioner received, to which she was not entitled, and therefore, must be repaid. See N.J.A.C. 10:87-11:20(b). As such, I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision, AFFIRM the Agency determination, as outlined above, and ORDER the Agency to recoup the overissuance.

Officially approved final version. June 06, 2023

Natasha Johnson
Assistant Commissioner

