



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 03395-23 N.T.

AGENCY DKT. NO. C148635003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner challenges the recoupment of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that for the period beginning July 2016, through December 2016, 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 May 15, 2023, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence, following submission of documentation from the Agency, the record then closed on that same date. The record was reopened on May 19, 2023, by the ALJ seeking additional documentation, and upon receipt of same, the record again closed on May 22, 2023. On May 25, 2023, the ALJ issued an Initial Decision, affirming the overissuance of SNAP benefits issued to Petitioner.

No Exceptions to the Initial Decision were filed.

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 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 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 Petitioner received an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 3-4, 6-7; see also Exhibit R-1 at Exhibit C, and Exhibit R-3 at 12-13. The record in this matter reveals that on her Interim Reporting Form, received by the Agency on May 6,



2016, Petitioner reported receiving unearned child support income in the amount of \$333 per week, but the Agency failed to take action on that knowledge until January 2017. See Initial Decision at 2-4; see also Exhibit R-1 at Exhibits A and B. The Agency admits and acknowledges that the overissuance is the result of the Agency having not timely acted on the information regarding the additional household income. See Initial Decision at 2, 6; see also Exhibit R-1 at Exhibit C. The ALJ in this matter found that, as the result of an AE, more specifically, the Agency not having timely acted on the knowledge of Petitioner's additional household income, an overissuance of SNAP benefits to Petitioner had occurred in the adjusted amount of \$2,065.32, for the period beginning July 2016, through December 2016. See Initial Decision at 3; see also Exhibit R-2. The ALJ further found that, in accordance with applicable regulatory authority, when an overpayment is discovered by the Agency, whereby a SNAP benefits recipient received benefits to which they were not entitled, the overissuance must be repaid, regardless of fault. See Initial Decision at 6-7; see also N.J.A.C. 10:87-11.20. Accordingly, the ALJ concluded 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 7; see also N.J.A.C. 10:87-11.20(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.

Officially approved final version. July 11, 2023

Natasha Johnson
Assistant Commissioner

