



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 **08342-23 S.A.**

AGENCY DKT. NO. **C204097013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between August 2022, and December 2022. The Agency asserts that Petitioner received SNAP benefits to which she 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 29, 2023, the Honorable Michael R. Stanzione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On October 13, 2023, 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 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).

An independent review of the record reflects that Petitioner applied for SNAP benefits on January 28, 2022, with her only source of income stated as Retirement, Survivors, and Disability Insurance ("RSDI") benefits with a monthly allotment of \$2,287. See Initial Decision at 2; see also Exhibit R-6. The record further reflects that on December 21, 2022, Petitioner submitted an Interim Reporting Form ("IRF")



stating there was no changes in her income. See Initial Decision at 2; see also Exhibit R-7. On February 4, 2023, the Agency learned that Petitioner had not disclosed income from two employers. See Initial Decision at 2-3; see also Exhibit R-4, R-9, R-12. Once the nondisclosed earned income was factored into the eligibility calculations, Petitioner became ineligible for SNAP benefits, and as a result, Petitioner's SNAP benefits were terminated in December 2022. See Initial Decision at 3, see also Exhibit R-1, R-13. Further, as a result of the unreported income, the Agency determined that Petitioner had received SNAP benefits to which she was not entitled, totaling \$1,332.14, for the period from August 2022, to December 2022. See Initial Decision at 3, 5; see also Exhibit R-4, R-13, R-14, R-15, and N.J.A.C. 10:87-9.5(a)(1)(iii), (2). Following a review of the facts in this case, the ALJ determined that, as Petitioner had not disclosed her earned income, the Agency had correctly calculated the overissuance amounts for the months in question, totaling \$1,332.14, for SNAP benefits to which Petitioner was not entitled, and must now be repaid. See Initial Decision at 5; see also N.J.A.C. 10:87-11.20(e)(2), (i) (2). I agree.

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

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

Officially approved final version. November 16, 2023

Natasha Johnson
Assistant Commissioner

