



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 **02504-23 S.C.**

AGENCY DKT. NO. **C024647017 (SALEM COUNTY BOARD OF SOC. SVCS.)**

Petitioner ("S.C.") challenges the correctness of the Respondent Agency's demand for repayment of a Supplemental Nutrition Assistance Program ("SNAP") benefits overissuance. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 24, 2023, the Honorable Robert D. Herman, Administrative Law Judge, held a telephonic plenary hearing, took testimony, admitted documents into evidence, and the record then closed on that day.

On May 4, 2023, the ALJ issued an Initial Decision, affirming in part, and reversing in part, the Agency's determination. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, and providing a detailed and well thought out analysis, applying law to fact. See Initial Decision at 1-14. Specifically, the ALJ found that an overissuance of SNAP benefits occurred to B.C., Petitioner's mother, residing in Salem County, from October 2021 to September 2022, exclusive of November 2021, in the total amount of \$13,090. See Initial Decision at 2-3, 6, 8, 11; see also Exhibit R-1 at 45-54, 113-156. The overissuance occurred due to B.C.'s failure to report to the Agency that her 18 year old daughter was no longer residing in the SNAP household during the time at issue, and Petitioner had not requested that the Agency have the daughter removed from the SNAP household. See Initial Decision at 3-7; see also Exhibit R-1 at 167-194. Agency records indicate that during the time at issue, B.C. had listed S.C., among other individuals, on her SNAP application. *Ibid.* Petitioner asserts that she did not reside in the household with her mother at the time of the overissuance. *Id.* at 4-5; see Exhibits P-1, P-2. Petitioner provided testimony, under oath, that she had not resided in B.C.'s household since she took up residence on her college campus on July 5, 2021. *Ibid.* Petitioner further testified that she never returned to live with her mother after that date, that she had no access to B.C.'s SNAP benefits, and that she had asked B.C. to take her off the application for SNAP benefits following her high school graduation on June 20, 2021. See Initial Decision at 4-5. Although Petitioner admitted that she had not changed the address on her driver's license from B.C.'s address, pursuant to B.C.'s demand, so that B.C. could continue to receive the increased SNAP benefits amount, the ALJ found that this matter involved an Inadvertent Household Error, and that the Agency had failed to demonstrate that it had relied on Petitioner's failure to change her driver's license as the cause of such overissuance. *Id.* at 4, 7, 9, 12; see also Exhibit R-1 at 17, and



N.J.A.C. 10:87-11.20(d), (e)(2). Petitioner further provided both testimonial and documentary evidence to reflect that she was enrolled in college courses at Montclair State University, in the northern part of the state and some distance from B.C.'s residence, in July 2021, and had resided on said campus since that time. See Initial Decision at 7; see also Exhibits P-1, P-2. Based on the record presented, the ALJ affirmed the Agency's determination that B.C. was overissued \$13,090 in SNAP benefits during the time period claimed and was responsible for the repayment of such overissuance. See Initial Decision at 8-14; see also N.J.A.C. 10:87-2.2(d), 2.3(a), -3.14(d)(1)-(8). I agree. Further, the ALJ concluded that Petitioner was not responsible for payment of the overissuance claim, and therefore, the recoupment of such overissuance from Petitioner was improper and must be reversed. See Initial Decision at 8-14; see also N.J.A.C. 10:87-3.14(d), -11.20(d)(1). I also agree.

No Exceptions to the Initial Decision were received.

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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED in part, and REVERSED in part, as outlined above.

Officially approved final version. July 11, 2023

Natasha Johnson
Assistant Commissioner

