



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 **07569-23 T.D.**

AGENCY DKT. NO. **S476827014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner challenges the correctness of the Respondent Agency's determination of overissuance, and claim for recoupment of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner during the periods of May, June, and July 2020, December 2020 through June 2022, and November 2022. The Agency asserts that Petitioner's household received benefits to which it was not entitled, thus 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 October 13, 2023, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open to allow the parties the opportunity to submit additional documents, and then closed on October 23, 2023. Additional documents submitted by the Agency reflected that Petitioner did not have income in July of 2020, and as such, Petitioner did not have an overpayment of SNAP benefits for that month. On October 31, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby MODIFY the Initial Decision, and AFFIRM the Agency determination, based on the discussion below.

In the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. A 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). Another type of overpayment which is subject to recoupment is one which is caused by an action, or inaction, by the Agency itself, called an "administrative error," ("AE"). See 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, the ALJ found Petitioner credible when she testified that she had informed the Agency of her employment during the times at issue. See Initial Decision at 3. Petitioner admitted to having received SNAP benefits during the times at issue, but claimed that it was the Agency who had made the error in continuing to provide her with SNAP benefits, and that she was therefore, entitled to retain said SNAP benefits. Id. at 2-3; see also “Overissuance Summary” dated March 01, 2023, “FS EBT History,” and “Apex Systems, Inc.” documents, “Mainframe Wage Record System” documents. However, the ALJ found that, regardless of the Agency’s error in failing to stop the SNAP payments to Petitioner, upon its awareness of her income, the Agency was required under the regulations to recoup such overissuance, and for Petitioner repay same. See Initial Decision at 4; see also “Important Notice to Repay Overissued SNAP Benefits” dated March 01, 2023, “Agreement to Repay Overissued NJ SNAP Benefits” dated March 01, 2023, and N.J.A.C. 10:87-11.20(e)(3). It should be noted that overissuances of SNAP benefits are Federal debts, which must be repaid. See N.J.A.C. 10:87-11.20(b). Accordingly, and taking into consideration the Agency’s amendment to reduce its overpayment claim to \$5,054, due to Petitioner not being employed in July, 2020, the ALJ concluded that the Agency had properly determined that Petitioner had received an overissuance of SNAP benefits to which she was not entitled, and which now must be repaid. See Initial Decision at 4; see also “Overissuance Summary” dated October 13, 2023, “Important Notice to Repay Overissued SNAP Benefits” dated October 13, 2023, “Agreement to Repay Overissued NJ SNAP Benefits” dated October 13, 2023, and N.J.A.C. 10:87-11.20(e)(3). I agree, however, the Initial Decision is modified to correct the overissuance total amount of \$5,050 as stated in the Initial Decision, which appears to be a typographical error, to the actual overissuance total amount due of \$5,054, and as such, I ORDER and direct the Agency to proceed to recoup the overissuance of \$5,054. See Initial Decision at 2-4; see also “Important Notice to Repay Overissued SNAP Benefits” dated October 13, 2023, “Agreement to Repay Overissued NJ SNAP Benefits” dated October 13, 2023.

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

Officially approved final version. November 29, 2023

Natasha Johnson
Assistant Commissioner

