



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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 **09395-23 T.L.**

AGENCY DKT. NO. **C043874011 (MERCER COUNTY BOARD OF SOC. SVCS..)**

Petitioner appeals the correctness of a Supplemental Nutrition Assistance Program ("SNAP") recoupment by the Respondent Agency, due to an overissuance. The Agency asserts that Petitioner received SNAP benefits to which she was not entitled, as the result of a failure to report a change in household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 31, 2023, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents into evidence, and the record closed on that same date. On November 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 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 action, 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. 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 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).

Recurring court-ordered arrearages on child support and alimony payments made directly to the household are considered unearned income. See N.J.A.C. 10:87-5.5(a)(5).

Here, the record reflects that, pursuant to an internal investigation, the Agency discovered that during the time Petitioner was receiving SNAP benefits, she simultaneously received earned income from employment. See Initial Decision at 2. Accordingly, on March 8, 2023, and May 12, 2023, the Agency requested that Petitioner's employer provide Petitioner's wage information. *Ibid.*; see also Exhibit R-14,



R-15. Also during the Agency's investigation, Petitioner advised the Agency that she had received child support income. See Initial Decision at 2. The Agency reviewed Petitioner's employer's responses to its requests for wage verification, and reviewed documents reflecting child support income Petitioner had received, and determined that Petitioner's income exceeded the threshold to receive SNAP benefits, for the months of November, 2021, through December, 2021, February, 2022, through June, 2022, and November, 2022, through December, 2022. Id. at 3; see also Exhibits R-16, R-17, R-18, R-19, and N.J.A.C. 10:87-12.3.

Based upon the evidence, the ALJ found that the Agency had met its burden of 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 5, 7. Specifically, the ALJ found that due to an IHE, Respondent had failed to report earned income, and unearned income, in the form of child support payments received, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$3,213, for the period beginning November, 2021, through June, 2022 (excluding January, 2022), and \$1,302, for the period beginning November, 2022, through December, 2022. See Initial Decision at 7; see also Exhibits R-1, R-2, R-5, R-6, R-8, R-9, R-12, R-15, R-18, and N.J.A.C. 10:87-5.4(a)(1), -5.5(a)(5), -9.5. Accordingly, the ALJ concluded that Petitioner's household had received an overissuance of SNAP benefits to which it was not entitled, which must be repaid, and affirmed the Agency's demands for repayment. See Initial Decision at 7; see also Exhibits R-1, R-5. I agree.

I ORDER and direct that the Agency proceed to recoup the overissuances.

By way of comment, Petitioner contends that she should not be responsible for repaying the overissuance, as she provided the Agency with all the paperwork requested from her. See Initial Decision at 4. Petitioner further asserts that the Agency's calculations are incorrect. Ibid. However, the ALJ correctly found that the Agency is required to collect on all claims for overpayments. Id. at 6, 7. I agree, and note that overissuances must be repaid, regardless of fault, as any overissuance of SNAP benefits cannot result in a windfall to Petitioner. See N.J.A.C. 10:87-11.20.

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

Officially approved final version. November 30, 2023

Natasha Johnson
Assistant Commissioner

