



## State of New Jersey

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*Governor*

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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 **01909-23 W.V.**

AGENCY DKT. NO. **C050462019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)**

Petitioner W.V., and her spouse J.V., challenge the correctness of the Respondent Agency's the termination of Petitioners' Supplemental Nutrition Assistance Program ("SNAP") benefits, as well as the claim for recovery of SNAP benefits issued to Petitioners between July, 2022, and January, 2023, and February, 2023, and March, 2023. The Agency terminated Petitioners' SNAP benefits, asserting that Petitioners misrepresented household income, and were not eligible for SNAP benefits, thus causing Petitioners' household to receive an overissuance of SNAP benefits to which it was not entitled and must be repaid. Because Petitioners appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A hearing was initially scheduled for January 3, 2023, but Petitioners failed to appear, and later claimed they had tried to call in for the hearing without success. The matter was then rescheduled for April 11, 2023, and Petitioners were granted continued benefits pending the outcome of the fair hearing. On April 11, 2023, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Only W.V. appeared for the telephonic hearing, and during the course of that hearing, W.V. hung up and did not call back to complete the hearing, thereby abandoning the remainder of the hearing. See Initial Decision at 2. On April 18, 2023, the ALJ issued an Initial Decision, affirming the Agency's termination of SNAP benefits, and also affirming the overissuance, and ordering that same be repaid.

No Exceptions to the Initial Decision were filed.

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).

In the present matter, the ALJ issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-5. Specifically, the ALJ noted that Petitioners applied for SNAP benefits on June 21, 2022. See Initial Decision at 2. In that application for SNAP benefits, Petitioners misrepresented their actual household income, thereby resulting in Petitioners being approved for SNAP benefits, when in fact, the household was ineligible. See Initial Decision at 2-4. Based on the foregoing, the ALJ found that Petitioner's SNAP benefits were properly terminated, as the household's earned income significantly exceeded the maximum allowable gross income for the household size. Id. at 4, 5. Furthermore, the ALJ found that the evidence presented substantiated that the material misrepresentation in the household's earned income resulted in an overissuance of SNAP benefits totaling \$11,831, which must be repaid. Id. at 1-2, 5; see also N.J.A.C. 10:87-11.20(e)(2). Based on an independent review of the record, I agree with both the termination of SNAP benefits, and the claim for recovery of overissued SNAP benefits. As such, I direct that the Agency proceed to recoup the overissuance.

By way of comment, the parties are reminded that pursuant to regulatory authority, alleged Intentional Program Violation ("IPV") matters are adjudicated either through an Administrative Disqualification Hearing ("ADH"), or by a referral to a court of appropriate jurisdiction. See N.J.A.C. 10:87-11.1(a). In the instant matter, the ALJ is reminded that if the Agency determines to pursue an IPV by way of an ADH, the Agency cannot refer the matter to the local Prosecutor, so that it may be reviewed for possible criminal violations. See N.J.A.C. 10:87-11.1(e).

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

Accordingly, the Initial Decision is hereby ADOPTED and the Agency's determinations in this matter are AFFIRMED.

Officially approved final version. July 5, 2023

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Natasha Johnson  
Assistant Commissioner

