



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 11305-23 D.P.

AGENCY DKT. NO. C245215009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner challenges the correctness of the Agency's claim for recoupment of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that for the period beginning April 2022, through September 2023, Petitioner received SNAP benefits to which she was not entitled, and which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for January 24, 2024, but was adjourned. On January 29, 2024, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. Also on January 29, 2024, the ALJ issued an Initial Decision, affirming the overissuance of SNAP benefits issued to Petitioner.

No Exceptions to the Initial Decision were filed.

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 determination.

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 "an action or failure to take action by the [Agency]," called an "Agency Error" ("AE"). See N.J.A.C. 10:87-11.20(e)(3). 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).

Here, the ALJ found that the Agency had met its burden in 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 2-3. The record in this matter reveals that Petitioner had received SNAP benefits from April 2022, through September 2023, due to the Agency's incorrect entering of Petitioner's earned income. *Id.* at 2; see also Exhibit R-1. Upon the Agency's verification of Petitioner's correct amount of earned income, it was determined that Petitioner was, in fact, over income to receive SNAP benefits for the period in question. *Ibid.* The Agency admits and acknowledges that the overissuance is the result of the Agency's incorrect entering of Petitioner's earned income. *Ibid.* The ALJ in this matter found that, as the result of an AE, more specifically, the Agency incorrectly entering Petitioner's earned income, Petitioner received an overissuance of SNAP benefits in the amount of \$9,954 for the period beginning April 2022, through September 2023. *Ibid.* The ALJ further found that, in accordance with applicable regulatory authority, when an overpayment is discovered by the Agency, whereby a SNAP benefits recipient received benefits to which they were not entitled, the overissuance must be repaid, regardless of fault. See Initial Decision at 2-3; see also N.J.A.C. 10:87-11.20. Accordingly,



the ALJ concluded that Petitioner was overissued SNAP benefits to which she was not entitled during the time period claimed, and as such, the Agency is entitled to recoup, and Petitioner must repay, the overissuance of SNAP benefits to which she was not eligible to receive. See Initial Decision at 3; see also N.J.A.C. 10:87-11.20(b), (e)(3). I agree.

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

Accordingly, the Initial Decision in this matter is ADOPTED, the Agency's determination is AFFIRMED.

Officially approved final version. February 15, 2024

Natasha Johnson
Assistant Commissioner

