



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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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 10353-23 K.M.

AGENCY DKT. NO. C176327020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of SNAP benefits issued to Petitioner between October, 2021, and June, 2022. The Agency asserts that Petitioner received SNAP benefits to which she was not entitled, thereby 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. A hearing was initially scheduled for January 11, 2024, but was adjourned. The matter was rescheduled, and on January 24, 2024, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On January 26, 2024, the ALJ issued an Initial Decision, affirming the Agency's 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).

SNAP benefits households are required to report changes within 10 days which can effect eligibility and/or allotment amount, including a change in income, either earned or unearned. See N.J.A.C. 10:87-9.5(a)(1)(iii), (2), (b)(1)(ii).

Here, the record reflects that Petitioner received SNAP benefits for the period October 2021, through June 2022, with the household's SNAP benefits allotment being calculated with no earned income in the household. See Initial Decision at 2. The Agency later determined that Petitioner had failed to report earned income for the period in question. See Initial Decision at 2-3; see also N.J.A.C. 10:87-9.5(a)(1)(iii), (2), (b)(1)(ii). As a result of Petitioner's failure to report the earned income, it was determined that Petitioner's household received an overissuance of SNAP benefits in the amount of \$3,514. See Initial Decision at 2-3; see also Exhibit R-1. The ALJ in this matter found that the evidence presented substantiated that Petitioner had not reported the earned income as required, and therefore received an overissuance of



SNAP benefits to which she was not entitled, in the total amount of \$3,514, between October 2021, and June 2022, which must now be repaid. See Initial Decision at 3-4; see also Exhibit R-1 and N.J.A.C. 10:87-11.20(e)(2). I agree.

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

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

Officially approved final version. February 15, 2024

Natasha Johnson
Assistant Commissioner

