



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Commissioner*

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*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 **08972-23 P.V.**

AGENCY DKT. NO. **S913755009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between July 2020, and June 2021. The Agency asserts that Petitioner's household received SNAP benefits to which it 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. On December 5, 2023, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On December 11, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

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).

Regulatory authority applicable to SNAP benefits cases defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3. Further, N.J.A.C. 10:87-5.5(a)(2) specifically includes "unemployment compensation" as unearned income which is to be included when determining a household's SNAP eligibility.



Here, the record reflects that in June 2023, the Agency learned, through a fraud department referral, that Petitioner had not reported the receipt of earned income, as well as household unearned income in the form of Unemployment Insurance Benefits (“UIB”), during the time period beginning July 2020, through June 2021. See Initial Decision at 2; see also Exhibits R-1, R-5, R-8 and N.J.A.C. 10:87-9.5(a) (1)(iii), (2). As a result, Petitioner’s SNAP household received an overissuance of SNAP benefits in the amount of \$4,526. See Initial Decision at 2-3; see also Exhibits R-2, R-3, R-4. The ALJ in this matter found that the evidence presented substantiated that Petitioner had received an overissuance of SNAP benefits to which she was not entitled, in the amount of \$4,526, between July 2020, and June 2021, which must now be repaid. See Initial Decision at 3-4; see also Exhibit R-2, and N.J.A.C. 10:87-11.20(e) (2). Based on an independent review of the record, I agree. As such, I direct that the Agency proceed to recoup the overissuance.

I ORDER and direct the Agency to proceed to recoup the overissuance, as outlined above.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED.

Officially approved final version. January 30, 2024

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Natasha Johnson  
Assistant Commissioner

