



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 **08945-23 S.C.**

AGENCY DKT. NO. **C694720007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of SNAP benefits issued to Petitioners between June, 2022, and February, 2023. 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. On November 9, 2023, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The Agency was contacted regarding documentation referenced during the hearing, and the record then closed on December 17, 2023. On December 29, 2023, 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 certain events 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 was receiving SNAP benefits in June, 2022, when it was determined that Petitioner had failed to report earned income from two different places of employment. See Initial Decision at 2; see also N.J.A.C. 10:87-9.5(a)(1)(iii), (2), (b)(1)(ii). As a result, Petitioner's household received an overissuance of SNAP benefits in the amount of \$3,260. See Initial Decision at 2; see also Exhibit R-1 at 1-4, 14. The ALJ in this matter found that the evidence presented substantiated that Petitioner had not reported earned income, and therefore received an overissuance of SNAP benefits to which she was not entitled, in the amount of \$3,260, between June, 2022, and February, 2023, which must now be repaid. See Initial Decision at 3-4; see also Exhibit R-1 at 1-4, 14, 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. January 30, 2024

Natasha Johnson
Assistant Commissioner

