



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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*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 **07905-23 S.S.**

AGENCY DKT. NO. **C026237017 (SALEM COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals the correctness of a Supplemental Nutrition Assistance Program ("SNAP") recoupment by the Respondent Agency, due to an overissuance. The Agency asserts that Petitioner, as an adult member of a SNAP household that received an overissuance of SNAP benefits to which the household was not entitled, is responsible for the repayment of the overissued benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 6, 2023, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents into evidence, and the record then closed. On December 13, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

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 action.

In the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. Each person who was an adult member of the household when an overpayment occurred, is responsible for paying a claim. See N.J.A.C. 10:87-11.20(d)(1). 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 up to six years following the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the record reflects that D.G., Petitioner's parent, was a SNAP benefits recipient. See Initial Decision at 2; see also Exhibit R-1 at 25-28. The record further reflects that Petitioner was an adult member of D.G.'s household, and was 18 years old during the time frame the Agency claimed that D.G.'s household received the overissuance of SNAP benefits. See Initial Decision at 3, 4; see also N.J.A.C. 10:87-2.2(c)(1).



Pursuant to an internal investigation, the Agency discovered that the income being attributed to D.G.'s household for SNAP benefits, specifically, earned income from D.G. and Petitioner, as well as unearned income in the form of child support paid to D.G., did not match the income amount reported to the State of New Jersey. See Initial Decision at 2; see also Exhibit R-1 at 14-22, and N.J.A.C. 10:87-5.4, -5.5. Based upon its review of the records obtained during its investigation, the Agency determined that D.G.'s household received an overissuance of SNAP benefits in the amount of \$2,505, for the period beginning July, 2022, through September, 2022. See Initial Decision at 3.

As Petitioner was an adult member of D.G.'s household when the overpayment of SNAP benefits was made, on June 6, 2023, the Agency notified Petitioner that due to an IHE, for the period beginning July, 2022, through September, 2022, SNAP benefits had been overissued in the amount of \$2,505, and that those benefits must be repaid. See Initial Decision at 3; see also Exhibit R-1 at 7-13. Thereafter, Petitioner contacted the Agency, and denied being a member of D.G.'s household at the time when the overissuance of SNAP benefits were paid to D.G.'s household, and provided paystubs that reflected an address other than D.G.'s during months of July, 2022, to September, 2022. See Initial Decision at 3, 4, 5; see also Exhibit P-1. Although requested by the Agency, no other verification was provided by Petitioner. See Initial Decision at 5. Petitioner contends that she should not be responsible for repaying the overissuance, as she was not living in D.G.'s household. Id. at 4.

The ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner was an adult member of D.G.'s household, and therefore, is responsible for the repayment of the overissuance, along with the other adult household members. See Initial Decision at 7; see also N.J.A.C. 10:87-11.20(d)(1). The ALJ further found that the paystubs, standing alone, that were provided by Petitioner, were insufficient to establish that Petitioner was not a part of D.G.'s household during the time when the overissuance of SNAP benefits had occurred. See Initial Decision at 7. When the Agency asked for additional documentation to verify where Petitioner had resided during the overissuance period, Petitioner did not provide any additional verification. Id. at 6; see also N.J.A.C. 10:87-3.2, -3.3.

Based on the evidence presented, the ALJ concluded that due to an IHE, for the period beginning July, 2022, through September, 2022, D.G.'s household had received an overissuance of SNAP benefits in the amount of \$2,505, to which it was not entitled, which must be repaid. See Initial Decision at 7; see also Exhibit R-1 at 3-6, and N.J.A.C. 10:87-5.4(a)(1), -5.5, -9.5. The ALJ further concluded that Petitioner, as an adult member of D.G.'s household at the time when the overissuance of SNAP benefits had occurred, is responsible for repaying the overissuance, and affirmed the Agency's demand for repayment. See Initial Decision at 7; see also Exhibit R-1 at 7-13. I agree.

By way of comment, it is unclear from the record presented in this case, if the other three adult household members were also noticed of the overpayment claim. See Initial Decision at 2; see also N.J.A.C. 10:87-11.20(d)(1).

Accordingly, the Initial Decision in this matter is hereby ADOPTED, and the Agency's determination is AFFIRMED. I ORDER and direct that the Agency proceed to recoup the overissuance.

Officially approved final version. February 01, 2024

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Natasha Johnson  
Assistant Commissioner

