



*State of New Jersey*

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*Governor*

**DEPARTMENT OF HUMAN SERVICES**  
**DIVISION OF FAMILY DEVELOPMENT**  
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*Director*  
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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 16996-17 J.B.**

**AGENCY DKT. NO. S607476012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals the Respondent Agency's correctness of a Supplemental Nutrition Assistance Program ("SNAP") recoupment due to an overissuance. The Agency asserts that Petitioner received SNAP benefits, to which she was not entitled, as the result of a failure to report a change in household composition. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 8, 2017, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony and admitted documents into evidence. The record remained open for submission of additional documentation by the parties, then closed on January 2, 2018. On January 12, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

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

As the Director of the 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. 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, Petitioner's household consists of Petitioner and two children. See Initial Decision at 2; see also Exhibits R-1. The record shows that Petitioner signed an application for SNAP benefits that indicated she receives \$300 per week in child support from the father of Petitioner's children. See Initial Decision at 3; see also Exhibit R-18. However, the Agency testified that Petitioner's husband was living with Petitioner and her children from March 2017 through August 2017. See Initial Decision at 4. Based on the evidence presented, the ALJ concluded that Petitioner's husband did live with Petitioner and her children from March 2017 through August 2017, and therefore, Petitioner received an overissuance of benefits in the amount of \$2,827 to which she was not entitled. See Initial Decision at 3, 6, 8; see also N.J.A.C. 10:87-11.20; see also Exhibits R-20 and R-21. I agree.

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



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

Officially approved final version.

JAN 26 2018

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Natasha Johnson

Director

