



State of New Jersey

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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 17408-17 R.O.

AGENCY DKT. NO. C050427006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner challenges 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 earned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for December 20, 2017, however during the pre-hearing conference the parties requested time to review and produce additional financial documents, and the hearing was adjourned and rescheduled for February 21, 2018. On that date, a pre-hearing conference revealed that during the pendency of the appeal, the Agency notified Petitioner that she was also overissued SNAP benefits in 2017, and the parties agreed to address that matter in this fair hearing. Based on the complexity of the matter, the hearing was again adjourned to allow the parties the opportunity to prepare to present their respective cases. Finally, on March 29, 2018, the Honorable Dorothy Incarvito-Garrabrant, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 9, 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency action.

The record reflects that Petitioner's household consists of Petitioner, her spouse, and four children. See Initial Decision at 3. As a result of an Agency investigation, it was determined that Petitioner failed to report income from wages, as well as income from several Petitioner-owned businesses, for the years 2014 through 2017, which resulted in an overissuance of SNAP benefits. See Initial Decision at 3-9; see also Exhibit R-1 at 91-94. Based on the initial calculations of an Agency specialist, and a recalculation conducted thereafter based upon updated information provided by Petitioner, it was determined that Petitioner was overpaid SNAP benefits in the amount of \$17,967 for 2014 through 2016, not \$20,731 as initially determined. See Initial Decision at 8-9; see also Exhibits R-1 at 1-2, R-2, R-4. Further, there being no credible financial information provided to the Agency for 2017, it was determined that Petitioner was ineligible for SNAP benefits for that entire year, and therefore, in 2017, Petitioner received an overpayment of SNAP benefits in the amount of \$8,161. See Initial Decision at 9; see also Exhibit R-2 at 1-36. Accordingly, the Agency seeks to recoup an overpayment of SNAP benefits in the amount of \$26,128. See Initial Decision at 9; see also N.J.A.C. 10:87-11.20.

Based on the testimony of both the Agency and Petitioner, and a meticulous and exhaustive review of the record, the ALJ concluded that Petitioner received SNAP benefits in the amount of \$17,967 for 2014 through 2016, and \$8,161 for 2017, to which she was not entitled. See Initial Decision at 11-20; see also Exhibits P-1, R-1 through R-9. Accordingly, the ALJ



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ordered Petitioner to reimburse the Agency for its overpayment of SNAP benefits, totaling \$26,128. See Initial Decision at 20; see also N.J.A.C. 10:87:11.20. I agree.

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

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

Officially approved final version.

APR 27 2018

Natasha Johnson

Director

