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Director

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 12353-18 S.T.

AGENCY DKT. NO. C105143016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's correctness of a Supplemental Nutrition Assistance Program ("SNAP") benefits recoupment due to an overissuance. The Agency asserts that Petitioner received SNAP benefits to which she was not entitled as the result of an administrative error. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 17, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On September 19, 2018, the ALJ issued an Initial Decision dismissing the Agency's claim for recoupment.

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 reviewed the record in this matter and I hereby REJECT the Initial Decision and AFFIRM the Agency determination, as discussed below.

In the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20; see also 7 C.F.R. 273.18 (a)(1)-(2) (stating that benefits that are overpaid constitute a federal debt subject to collection by the Agency). One type of overpayment which is subject to recoupment is one which is caused by an action of the Agency itself, called an "administrative error." N.J.A.C. 10:87-11.20(e)(3). Repayment of overissuances may be sought for up to six years following the time that the Agency becomes aware of the overpayment. N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the Agency asserts that an administrative error caused Petitioner to receive an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 2; see also Exhibit R-1 at 5-8. Specifically, the Agency contends that from January 2014, through May 2014, as a result of a miscalculation by the Agency, Petitioner received an overissuance of SNAP benefits totaling \$870. See Initial Decision at 2; see also Exhibit R-1 at 9. Petitioner maintained that she was never made aware of the overissuance and never used the funds. See Initial Decision at 2, 3. The ALJ opined that the Agency had failed to prove that the benefits were ever issued, or otherwise utilized, by Petitioner. *Id.* at 3. The ALJ further maintained that the Agency had not established that Petitioner owed any overage



to the Agency, and as such, the Agency's claim for claim for reimbursement against Petitioner should be dismissed. Id. at 3-4.

Following an independent review of the record, I disagree with, and hereby reject, the ALJ's conclusion for the following reasons. The record indicates that Petitioner received SNAP benefits in the amount of \$189 from January 2014, through May 2014, when, in fact, Petitioner should have only received \$15 in SNAP benefits for each of those months. See Initial Decision at 2; see also Exhibit R-1 at 1-2, 9.

The record further establishes that the SNAP benefits issued to Petitioner from January 2014, through May 2014, were cashed. See Exhibit R-1 at 9. Petitioner's SNAP household is comprised of only one individual, and there is nothing in the record to show that anyone other than Petitioner had access to her SNAP benefits. Therefore, I disagree with the ALJ's opinion that the evidence presented does not support the overissuance, or that the overissued benefits were ever utilized by Petitioner, and I find that an overissuance of SNAP benefits, totaling \$870, was issued to Petitioner between January 2014, through May 2014, which must now be repaid.

Additionally, the ALJ maintained that Petitioner would be unable to repay any overissuance of SNAP benefits because she is no longer receives SNAP benefits, is permanently disabled, and because her sole source of income is Retirement, Survivors and Disability Insurance ("RSDI") benefits. Id. at 3; see also Exhibit R-1 at 3, 4. Again, I respectfully disagree with the ALJ's finding in this regard. The Agency's error in this case cannot result in a windfall to Petitioner, as receipt of an overissuance of SNAP benefits is money to which she was not entitled, and therefore, must be repaid. See N.J.A.C. 10:87-11.20; see also 7 C.F.R. 273.18 (a)(1)-(2). Based on the reasons noted above, I hereby reject the ALJ's Initial Decision, and affirm the Agency's determination to recoup the overissued SNAP benefits.

See Exhibit R-1 at 5-9.

Accordingly, based upon the foregoing, the Initial Decision in this matter is REJECTED, and the Agency determination is AFFIRMED.

Officially approved final version.

OCT 19 2014

Natasha Johnson

Director

