



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

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Lt. Governor

NATASHA JOHNSON
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 16541-18 A.R.

AGENCY DKT. NO. S565265012 (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 decrease in the eligible SNAP household unit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On the initial hearing date of December 21, 2018, Petitioner requested an adjournment to retain the services of an attorney. On January 11, 2019, Petitioner appeared without an attorney, stating that she was told by Legal Services that they could not represent her. On that same date, 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 Petitioner to submit additional information, and for a response by the Agency. Petitioner and the Agency did not submit any additional information, and the record then closed on February 26, 2019. On March 12, 2019, 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, the record reflects that on November 15, 2017, Petitioner applied for SNAP benefits on behalf of herself and her two children. See Initial Decision at 3; see also Exhibit R-12. However, the Agency testified that T.R., Petitioner's mother, had been awarded custody of Petitioner's children, and that



the children had been living with T.R. since December 8, 2015. See Initial Decision at 3; see also Exhibits R-9, R-10. The ALJ found that Petitioner's children were not part of Petitioner's household unit on November 15, 2017, when she applied for SNAP benefits. See Initial Decision at 4, 6; see also Exhibits R-6, R-12, and N.J.A.C. 10:87-2.2. Based on the evidence presented, the ALJ concluded that from November 2017, through June 2018, Petitioner received an overissuance of SNAP benefits in the amount of \$2,210 to which she was not entitled. See Initial Decision at 3, 6, 8; see also Exhibits R-1, R-13 at 2, and 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 in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED.

Officially approved final version.

Natasha Johnson
Director

MAR 21 2019

