



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

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 08433-19 L.H.

AGENCY DKT. NO. S513518012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's recoupment of Supplemental Nutrition Assistance Program ("SNAP") benefits due to an overissuance. The Agency asserts that Petitioner received SNAP benefits to which he 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 July 16, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On July 26, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87- 1.1(a). 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 is caused by an action of the Agency itself, called an "administrative error." See 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. See N.J.A.C. 10:87-11.20(f)(1)(i).

The record in this matter reveals that, due to an error made by the Agency, Petitioner received an overpayment of \$630, for the period from March 2018, through December 2018. See Initial Decision at 2, 3; see also Exhibits R-1, R-12. The record further shows that, at the time of Petitioner's recertification for SNAP benefits, the Agency failed to include all of Petitioner's household income in the calculations to determine the proper SNAP benefit amount, specifically, his spouse's monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits. See Initial Decision at 3, 6. While Petitioner asserted that the overissuance was a result of an error of the Agency's and he should not be required to repay same,



the ALJ correctly found that the overissuance of SNAP benefits cannot result in a windfall to Petitioner, and must be repaid, regardless of fault. See Initial Decision at 6. I concur with this decision.

As such, I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision, AFFIRM the Agency determination and ORDER the Agency to recoup the overissuance.

Officially approved final version.

AUG - 8 2019

Natasha Johnson

Director

