



## State of New Jersey

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*Governor*

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

NATASHA JOHNSON  
*Assistant Commissioner*

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 **00944-22 A.B.**

AGENCY DKT. NO. **C106744015 (OCEAN COUNTY BOARD 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 she was not entitled, as the result of a failure to accurately report her household composition. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 25, 2022, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. On March 8, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

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

As Assistant Commissioner, 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.

Every SNAP application shall be made on behalf of a household. See N.J.A.C. 10:87-2.1. It is critically important to determine exactly who comprises the SNAP household, since all considerations of eligibility will follow from this initial determination. Ibid.

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 or about January 27, 2021, Petitioner filed an application for SNAP benefits for herself and her three children. See Initial Decision at 2; see also Exhibit R-8. On February 16, 2021, Petitioner provided to the Agency, a letter from C.C., the father of Petitioner's children,



indicating that he pays the mortgage and electric bills for the home where Petitioner and their children reside. See Initial Decision at 2; see also Exhibit R-4 at 1. Thereafter, the Agency received an anonymous call alleging that C.C. lived in the same home with Petitioner and the children. See Initial Decision at 3. An investigation regarding whether C.C. resided in the same household as Petitioner, revealed that on November 17, 2020, C.C. had listed his home address using the same address as Petitioner's current address. See Initial Decision at 3; see also Exhibit R-4 at 2-3. The investigation also revealed that the school district where one of Petitioner's children attended school, reported that the child resided at Petitioner's address with Petitioner and C.C., and that C.C.'s car was registered to the same address Petitioner had listed as her home address. See Initial Decision at 4; see also Exhibit R-4 at 5-7, 8. Notably, on several different occasions, the Agency Investigator had observed C.C.'s vehicle at Petitioner's home; some of those observations occurred when the Investigator was off duty. See Initial Decision at 4. Additionally, Agency records revealed that C.C. had earned income from January, 2021, through June, 2021. Ibid.; see also Exhibit R-3.

Based on the evidence presented, the ALJ found that C.C. had lived in the same home as Petitioner for the entire period that Petitioner had received an overissuance of SNAP benefits, and therefore, Petitioner was required to report his presence and his income to the Agency, but did not do so. See Initial Decision at 6. The ALJ further concluded that C.C.'s income caused the household's total gross monthly income to exceed the threshold permitted for SNAP eligibility. Ibid.; see also Exhibits R-2, R-3, and N.J.A.C. 10:87-5.4(a)(1), -6.16, -12.4. Accordingly, the ALJ concluded that, from January, 2021, through June, 2021, Petitioner had received an overissuance of SNAP benefits in the total amount of \$4,365 (\$3,590 + \$775) to which she was not entitled, and which must be repaid. See Initial Decision at 6, 8-9; see also Exhibit R-1, and N.J.A.C. 10:87-2.2, -2.14, -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.

April 01, 2022

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Natasha Johnson  
Assistant Commissioner

