



## 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 **02557-22 A.E.**

AGENCY DKT. NO. **C058189017 (SALEM COUNTY BOARD OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between September, 2020, and June, 2021. The Agency asserts that Petitioner's household received SNAP benefits to which it was not entitled, resulting in an overissuance of benefits which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On June 6, 2022, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On June 16, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and AFFIRM the Agency determination, based on the discussion below.

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 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 amounts going back six years prior to the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Regulatory authority applicable to SNAP benefits cases, defines income as "all income from whatever source unless such income is specifically excluded." See N.J.A.C. 10:87-5.3. Further, N.J.A.C. 10:87-5.5(a)(2) specifically includes "unemployment compensation" as unearned income which is to be included when determining a household's SNAP eligibility.



In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. In accordance with N.J.A.C. 10:87-6.16(d)(1), households which contain an elderly or permanently disabled individual, as defined by N.J.A.C. 10:87-2.34, must meet the net income test for SNAP eligibility. N.J.A.C. 10:87-6.16(d)(2), states that households that do not contain an elderly or permanently disabled household member must meet both the gross income test, as well as the net income test, meaning that the respective income amounts must be below the established standards. See also N.J.A.C. 10:87-12.3, -12.4.

Here, the record reflects that during an interview with the Agency in September, 2020, Petitioner advised the Agency that both he and his spouse were receiving Unemployment Insurance Benefits ("UIB") from NJ. See Initial Decision at 2. This was the only income the household was receiving at that time, which was counted towards determining the household's SNAP benefits eligibility, and which, after all applicable deductions, resulted in the household receiving a monthly SNAP benefits allotment of \$535. *Ibid.* At some point thereafter, the Agency learned that Petitioner had also applied for UIB from New York in March, 2020, and that Petitioner was subsequently approved for same. *Id.* at 3. As a result of learning this information, the Agency then recalculated Petitioner's SNAP benefits eligibility, including the New York UIB monies, and it was determined that Petitioner received a total of \$5,410 of SNAP benefits to which he had not been entitled. *Ibid.* In completing the recalculations, the Agency correctly excluded all federal Pandemic Unemployment Compensation payments. *Ibid.*; see also DFDI Instruction ("DFDI") 21-07-01 at 4. However, despite the exclusion of these funds, Petitioner's household clearly exceeded the net income level for receipt of SNAP benefits for a household of three persons, which in September, 2020, was \$1,778, and in October, 2020, through June, 2021, was \$1,810. See Exhibits R-1 at 30-32, R-2 at 2; see also DFDI 19-09-01 at 12, and DFDI 20-09-04 at 12. Based upon the testimonial and documentary evidence presented, the ALJ determined that Petitioner had failed to report his New York UIB payments, which resulted in an overissuance of SNAP benefits in the amount of \$5,410 to which Petitioner was not entitled. See Initial Decision at 4-6. Accordingly, the ALJ concluded that the Agency's determination in this matter was proper and must stand, and that the overpayment of SNAP benefits must be repaid. *Id.* at 5-6; see also N.J.A.C. 10:87-11.20(e)(2). Based on an independent review of the record, I agree. As such, I ORDER and direct that the Agency proceed to recoup the overissuance.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED, as outlined above.

Officially approved final version.

July 5, 2022

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Natasha Johnson  
Assistant Commissioner

