



## State of New Jersey

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*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 **05754-20 J.B.**

AGENCY DKT. NO. **C129550003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner challenges the Respondent Agency's demand to repay overissuances of Supplemental Nutrition Assistance Program ("SNAP"), and Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency demands that Petitioner repay overissued SNAP and WFNJ/TANF benefits that she received, and was not entitled to receive, because she had failed to timely report earned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 17, 2020, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents into evidence, and the record then closed. On August 27, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination.

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

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

In the instance of an overpayment of SNAP 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 a misunderstanding or unintended error on the part of the household, called an Inadvertent Household Error ("IHE"). See N.J.A.C. 10:87-11.20(e)(2). An IHE claim is calculated back to at least 12 months prior to when it becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i). For all claims, including IHE claims, amounts that occurred more than six years before the Agency became aware of the overpayment, are not included. Ibid. (emphasis added).

The [SNAP overissuance] claim shall be considered established for tracking purposes as of the date the initial demand letter or written notification has been mailed or delivered. See N.J.A.C. 10:87-11.20(i)(2). The Agency shall establish a claim even if the claim cannot be established within the timeframe outlined in the regulations. See N.J.A.C. 10:87-11.20(g)(1).

As it relates to WFNJ, an overpayment means "a financial assistance payment (including emergency assistance ["EA"]) received by or for an eligible assistance unit for the payment month(s) which exceeds the amount for which that unit was eligible." See N.J.A.C. 10:90-3.21(a). The county or municipal agency shall seek recovery of all overpayments (including EA) regardless of fault, including overpayments resulting from assistance paid pending hearing decisions. See N.J.A.C. 10:90-3.21(a)(1). As the WFNJ regulations are silent with regard to a "lookback period," i.e., the period dating back to when the Agency first became aware of the WFNJ/TANF overpayment, the SNAP rules for calculating WFNJ/TANF claims apply, meaning here, that, amounts that occurred more than six years before the Agency became aware of the



WFNJ/TANF overpayment, are not included in the claim amount, and cannot be recovered. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the record reflects that Petitioner received SNAP and WFNJ/TANF benefits beginning September, 2013. See Initial Decision at 2; see also Exhibit H at 31-33. On February 13, 2014, Petitioner reported that she was employed, and had received her first paycheck on December 13, 2013. See Initial Decision at 2; see also Exhibit I. On March 28, 2014, the Agency requested that Petitioner provide additional information in order to confirm the change in income. See Initial Decision at 2. In response to the Agency's request, on April 4, 2014, Petitioner provided copies of her paystubs, and a letter from her employer, confirming that the temporary assignment Petitioner had been working, had ended, and that Petitioner's last date of employment was March 12, 2014. *Id.* at 2, 3; see also Exhibits J, K.

On April 11, 2014, the Agency determined that Petitioner did not report her employment income while she received SNAP and WFNJ/TANF benefits, and that from February, 2014, through March, 2014, she received an overissuance of SNAP and WFNJ/TANF benefits in the amounts of \$1,242 and \$976, respectively. See Initial Decision at 3. On February 26, 2020, the Agency issued notices to Petitioner advising her of the overissued SNAP and WFNJ/TANF benefits it sought to recoup, in the total amount \$2,218 (\$1,242 + \$976). *Ibid.*; see also Exhibits A, B.

The ALJ found that the Agency became aware of Petitioner's change in income on February 14, 2014, when it received Petitioner's Interim Reporting Form ("IRF"), wherein Petitioner reported that she was working, and had received her first paycheck on December 13, 2013. See Initial Decision at 2, 7; see also Exhibit I, and N.J.A.C. 10:87-11.20(f)(1)(i). The ALJ further found that more than six years had passed from the time the Agency became aware of the overpayment (February 14, 2014), until it sought repayment of the overissued SNAP and WFNJ/TANF benefits, on February 26, 2020. See Initial Decision at 7-8; see also Exhibits A, B. The ALJ then concluded that since the Agency did not seek repayment of the overissuances of SNAP and WFNJ/TANF benefits within the six years that it became aware of the overpayments, its action to recoup the overissuances was not appropriate, and then rescinded the February 26, 2020, notices seeking to recoup the overissued SNAP and WFNJ/TANF benefits. See Initial Decision at 8; see also Exhibits A, B, and N.J.A.C. 10:87-11.20(f)(1)(i).

Following an independent review of the record, I respectfully disagree with, and hereby reject, the ALJ's conclusions, and I find that the Agency may, in fact, recoup the SNAP and WFNJ/TANF benefits that were issued to Petitioner in February, 2014, and March, 2014.

As it relates the overissuance of SNAP and WFNJ/TANF benefits received by Petitioner, the regulatory authority upon which I reject the ALJ's Initial Decision, is cited above, at N.J.A.C. 10:87-11.20(f)(1)(i). I interpret this language as instructing the Agency that, in its efforts to recoup overissued benefits, the Agency must calculate the claims dating back six years before it discovered the overpayments, and cannot include any benefit amount issued before the six-year period started. I also interpret the regulations to mean that pursuant to N.J.A.C. 10:87-11.20(g)(1), also cited above, every claim to recover overissued benefits, must be pursued by the Agency, with the only limitation being that the claim must not include any benefit amounts older than six years before the Agency became aware of the overpayment. Here, the ALJ found that the date the Agency became aware of Petitioner's change in income was February 14, 2014. See Initial Decision at 6, 7. Using this date, and the language codified at N.J.A.C. 10:87-11.20(f)(1)(i), and at C.F.R. 273.18(c)(1)(i), the Agency cannot recoup any benefits issued to Petitioner prior to February 14, 2008.

In this matter, the two monthly SNAP payments, each in the amount of \$621, and the two WFNJ/TANF benefits payments, each in the amount of \$488, were issued to Petitioner on February 1, 2014, and March 1, 2014. I have concluded that these payments, totaling \$2,218 ( $\$621 * 2 = \$1,242 + \$488 * 2 = \$976$ ) may be recouped by the Agency, as those benefit payments are not older than six years prior to the date when the Agency became aware of the overpayment, which, as the ALJ found in this case, was February 14, 2014. See Initial Decision at 2, 7; see also Exhibit I. In fact, the February, 2014, SNAP and WFNJ/TANF benefit payments were issued in the same the month the Agency became aware of the overpayments, and the March, 2014, SNAP and WFNJ/TANF benefit payments were issued only one month after the Agency became aware of the overpayments. As none of the payments were issued more than six years before the Agency became aware of the overpayments, those benefit payment amounts are included in the total claim amount, and, are subject to recoupment as part of the claim. Therefore, I conclude that the February 26, 2020, demand notices to Petitioner to recoup the overissued SNAP and WFNJ/TANF benefits are not rescinded, and thus, are valid. See Exhibits A, B.

Accordingly, I REJECT the Initial Decision of the ALJ, and AFFIRM the Agency's determination to recoup the SNAP and WFNJ/TANF benefits Petitioner was not entitled to receive. I further ORDER the Agency to recoup the benefits issued Petitioner in February, 2014, and March, 2014, totaling \$2,218 (\$1,242 (SNAP) + \$976 (WFNJ/TANF)).



By way of comment, pursuant to applicable regulatory authority, the Respondent Agency may compromise the SNAP overissuance claim, or any portion of it, if it can reasonably be determined that Petitioner's household economic circumstances dictate the claim will not be paid in three years. See N.J.A.C. 10:87-11.20(m); see also C.F.R. 273.18(e) (7). Petitioner shall contact the Agency, and the Agency shall consider Petitioner's request, in accordance with the dictates of N.J.A.C. 10:87-11.20(m).

By way of further comment, as it relates to the claim of overissued WFNJ/TANF benefits, Petitioner shall contact the Agency to request a compromise. See N.J.A.C. 10:90-7.8(e). The Respondent Agency, with the consent and approval of DFD, will then consider Petitioner's request to compromise the WFNJ/TANF overissuance claim, with primary consideration given to whether the release of additional funds will promote the goal of self-sufficiency. Ibid.

Based upon the foregoing, the Initial Decision in this matter is REJECTED, and the Agency determination is AFFIRMED, as outlined above.

Officially approved final version. June 16, 2025

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Natasha Johnson  
Assistant Commissioner

