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Commissioner

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Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **07172-26 C.L.**

AGENCY DKT. NO. **C159412003** (**BURLINGTON COUNTY BD. OF SOC. SVCS**)

Petitioner challenges the correctness of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that for the period beginning November, 2024, through August, 2025, Petitioner received SNAP benefits to which she was not entitled, and which must be repaid. On August 17, 2026, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The record was reopened on August 19, 2026, for further testimony and remained open until August 24, 2026, for receipt of additional documentation. On September 14, 2026, the ALJ issued an Initial Decision remanding the matter back to the Agency, and ordering that the Agency conduct a proper determination of Petitioner's household composition for the SNAP certification period of September, 2024, through August, 2025. The ALJ further ordered the Agency, during the remand, to determine if Petitioner's household met the financial eligibility during the certification period, and, if not, whether an overpayment had occurred.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD,") 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, REVERSE the Agency determination, and REMAND to the Agency, 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; see also 7 CFR 273.18(e)(1). One type of overpayment which is subject to recoupment is one which results from "an action or failure to take action by the [Agency]," called an "Agency Error" ("AE"). See N.J.A.C. 10:87-11.20(e)(3); see also 7 CFR 273.18(b)(3). 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); see also 7 CFR 273.18(c)(1).

The record indicates that on August 9, 2024, Petitioner filed an application for SNAP benefits, for a household size of one. See Initial Decision at 3, 7; see also Exhibits P-1 at 12-20, R-1 at 24-30. In her August 9, 2024, SNAP application, Petitioner listed P.R. as her emergency contact person living in the home. Ibid. Notably, on a previous SNAP application dated September 12, 2023, Petitioner included and identified P.R. as her son who, at that time, was a college student. See Initial Decision at 2; see also Exhibit R-1 at 7-14. The Agency approved Petitioner's September, 2023, SNAP application, but P.R. was found to be ineligible for SNAP benefits, because he was a college student. See Initial Decision at 2; see also Exhibit R-1 at 16.

P.R. graduated from college in May, 2024, and Petitioner sent a copy of P.R.'s diploma to the Agency. See Initial Decision at 6; see also Exhibit R-1 at 23.

On August 9, 2024, Petitioner applied for SNAP benefits and indicated that she received unearned income in the form of Unemployment Insurance Benefits ("UIB"). See Initial Decision at 3; see also Exhibit R-1 at 27, 48-49. In support of her August 9, 2024, SNAP application, Petitioner provided copies of her paystubs. See Initial Decision at 3; see also Exhibits P-1 at 17, 21-24, R-1 at 51-52, 55-56. On September 27, 2024, the Agency approved Petitioner's SNAP application for a household of one person, and that she would receive SNAP benefits for the period beginning September 1, 2024, until September 30, 2025. See Initial Decision at 3, 7; see also Exhibit R-1 at 22.

The record further indicates that after Petitioner's August 9, 2024, SNAP application was approved for a one-person SNAP household, Petitioner repeatedly contacted the Agency to inquire why her son, P.R., was not included as part of her SNAP household. See Initial Decision at 5, 6; see also Exhibit P-1 at 8.

On November 21, 2025, the Agency notified Petitioner that, due to an AE, she received an overissuance of SNAP benefits to which she was not entitled to, in the amount of $1,672.68, for the period beginning November, 2024, through August, 2025. See Initial Decision at 3, 7; see also Exhibit R-1 at 62-63. Specifically, the Agency notified Petitioner that when she filed her August 9, 2024, SNAP application, and timely provided all of her financial information, the Agency did not include her earned income information when it calculated her SNAP benefit amount. See Initial Decision at 3; see also Exhibit R-1 at 61. In fact, the Agency only considered Petitioner's wage information when she filed a recertification application for continued receipt of SNAP benefits in July, 2025. See Initial Decision at 3.

The ALJ found Petitioner to be credible when she testified that the SNAP forms are not intuitive, and that it was an oversight on her part for listing her son, P.R., as an emergency contact person, instead of including him as part of the household for SNAP purposes. See Initial Decision at 7; see also Exhibit R-1 at 25. The ALJ further found that the Agency failed to incorporate Petitioner's financial information in determining her SNAP eligibility and monthly benefit amount, and that it failed to recognize a change in circumstance when Petitioner submitted a copy of P.R.'s diploma, or that the Agency even inquired about Petitioner's household size when she submitted her September, 2024, SNAP application. See Initial Decision at 7.

The ALJ concluded that the burden was on the Agency to question why Petitioner included P.R. as an emergency contact, but not as a member of her SNAP household, as this information is considered questionable and affects the household's eligibility or benefit level. Id. at 8; see also N.J.A.C. 10:87-2.19, and 7 CFR 273.2(f)(2)(i). Accordingly, the ALJ remanded the matter back to the Agency, so that the Agency may determine: 1. Petitioner's household composition for the purpose of determining eligibility for SNAP benefits during the certification period of September, 2024, to August, 2025; 2. whether Petitioner's household met the financial eligibility requirements; and 3. whether an overpayment occurred. See Initial Decision at 9. I agree.

The ALJ further concluded that while Petitioner may have received an overissuance of SNAP benefits, which must be repaid, the amount of the overissuance, if established, cannot be determined until Petitioner's true household composition in August, 2024, is properly considered. Ibid.; see also N.J.A.C. 10:87-11.20; see also 7 CFR 273.18(e)(1). I also agree.

Therefore, I am remanding this matter back to the Agency with the following instructions. The Agency shall, in accordance with ALJ's instructions in this Initial Decision, make a proper determination of Petitioner's household composition during the certification period beginning September, 2024, to August, 2025; determine whether Petitioner's household met the financial eligibility requirements when Petitioner applied for SNAP benefits in August, 2024; and determine if an overpayment occurred.

Accordingly, the Initial Decision in this matter is ADOPTED, the Agency's determination is REVERSED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version. October 08, 2026

Natasha Johnson
Assistant Commissioner