State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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Commissioner

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

AMENDED DECISION

OAL DKT. NO. HPW **02493-26 C.M.**

AGENCY DKT. NO. **C398005016** (**PASSAIC COUNTY BOARD OF SOC. SVCS.**)

A Final Agency Decision ("FAD") was issued in this matter on August 27, 2026. This Amended FAD is being issued to recognize receipt of Exceptions filed by the Petitioner's counsel, but not received, nor reviewed, by this office prior to the issuance of the FAD in this case.

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner from May, 2022 through October, 2022. The Agency asserts that Petitioner received SNAP benefits to which he was not entitled, thereby resulting in the 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 August 7, 2026, the Honorable Kimberly K. Holmes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents into evidence, and the record then closed. On August 10, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were received from Petitioner's counsel on August 28, 2026.

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, and AFFIRM the Agency actions, based on the discussion below.

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 indicates that Petitioner failed to report to the Agency a change in his earned income, as well as a change in his household composition. See Initial Decision at 2-4; see also Exhibit R-1. As a result, the Agency determined that Petitioner had been overissued SNAP benefits in the amount of $1,531 during the time frame of May, 2022 to October, 2022. Ibid. The ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner received an overissuance of SNAP benefits to which he was not entitled, which must now be repaid. See Initial Decision at 4; see also N.J.A.C. 10:87-5.4(a)(1), -9.5(a)(1), -11.20. I agree.

By way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter. Moreover, neither Petitioner, nor his partner, E.E., properly reported

the change in household composition to their SNAP households, as mandated by regulation. See N.J.A.C. 10:87-9.5(a)(1). Ultimately, Petitioner received the SNAP funds, utilized such funds, and neither Petitioner, nor his partner, can be entitled to an economic windfall for his, and his partner's, failure to properly update the changes to their SNAP cases. See N.J.A.C. 10:87-11.20(a) and (e)(2).

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, as outlined above.

Officially approved final version. September 28, 2026

Natasha Johnson
Assistant Commissioner