



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 **10248-26 G.F.**

AGENCY DKT. NO. **C100159008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV"), as defined by N.J.A.C. 10:87-11.3 and 7 C.F.R. 273.16(c), of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent intentionally provided incomplete, misleading, false, or inaccurate information regarding her income in order to obtain benefits, and while she received SNAP benefits, thus causing Respondent to receive overissuances of benefits to which she was not entitled. Because Respondent failed to execute and return the waiver of her right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. On July 2, 2026, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ,"), held a plenary hearing, took testimony, admitted documents, and the record closed. On July 10, 2026, the ALJ issued an Initial Decision, which found that the Agency had failed to properly notice Respondent of the Administrative Disqualification Hearing, regarding SNAP benefits, and further that the Agency had failed to meet its burden in establishing, by clear and convincing evidence, that Respondent had deliberately and intentionally withheld information from the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits, to which she was not entitled. See Initial Decision at 10-12; see also N.J.A.C. 10:87-11.3(a), -11.5(a)(6), 7 C.F.R. 273.16(c)(1), and 7 C.F.R. 273.16(e)(4).

Here, the record reveals that Petitioner submitted applications for SNAP and WFNJ/TANF benefits on March 24, 2025. See Initial Decision at 2; see also Exhibit P-1. On April 23, 2025, Petitioner was approved for SNAP benefits, however, her WFNJ/TANF benefits application was denied. See Initial Decision at 3; see also Exhibit P-1. On or about May 7, 2025, the Agency sent Petitioner notification that she was employed as of March 10, 2025. Ibid. On May 19, 2025, her employer was sent an income verification, however, no response was ever received. See Initial Decision at 3-4; see also Exhibit P-1. On June 17, 2025, Petitioner signed an Interim Reporting Form ("IRF") indicating that she had no income. See Initial Decision at 4; see also Exhibit P-1. On July 31, 2025, the employer sent the Agency a letter indicating Petitioner was an unpaid intern. Ibid. Subsequently, Petitioner submitted information regarding unemployment benefits, which documentation was questioned as falsified by the Agency. See Initial Decision at 4-5; see also Exhibit P-1. Thereafter, the Agency, in reliance upon the earned income data from an employment database, determined that Petitioner had earned income for the second, third, and fourth quarters of 2025, which would have made her ineligible for receipt of SNAP benefits. See Initial Decision at 5; see also Exhibit P-1.

On or about October 31, 2025, the Agency sent Petitioner an Agreement to Repay Overissued NJ SNAP Benefits, which indicated the total amount due was \$1,046.77, and wherein Petitioner agreed that she would make monthly installments by the 15th day of each month and wherein she agreed to repay the claim by having her monthly SNAP benefits reduced. See Initial Decision at 5-6; see also Exhibit P-1. On or about October 31, 2025, the Agency sent Petitioner an Agreement to Repay Overissued WFNJ Benefits, which indicated the total amount due was \$371, and wherein Petitioner agreed that



she would make monthly installments by the 15th day of each month until the amount was paid in full. Ibid. Thereafter, on February 17, 2026, Petitioner, who at some point became eligible for receipt of WFNJ/TANF benefits, signed Agreements to Repay both SNAP and WFNJ/TANF benefits. Ibid. Copies of payment receipts from February, 2026, are included in the documentary evidence in this matter, however, it is unclear whether or not Petitioner has continued to make payments in accordance with her Agreements to Repay. See Exhibit P-1.

As to the WFNJ/TANF benefits, an Advance Notice of Administrative Disqualification Hearing was sent to Petitioner on March 30, 2026, which Petitioner signed, indicating that she admitted to the facts as presented and understood she would be disqualified from receipt of WFNJ benefits for a period of six months. Ibid. Petitioner signed the document on April 14, 2026. See Initial Decision at 6; see also Exhibit P-1.

As to the SNAP benefits, however, at the time of the hearing the Agency representative testified that Respondent was never properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalties via Certified Mail. See Initial Decision at 6; see also Exhibit P-1, and N.J.A.C. 10:87-11.5(a)(3)(i) and 7 C.F.R. 273.16(e)(3)(i). Rather, the Agency sent, in error, a notice titled Information Concerning NJ SNAP Disqualification Consent Agreements on April 30, 2026. Ibid.

Based on the foregoing, the ALJ found that the Agency procedurally failed to properly comply with the notice requirements regarding an IPV against Respondent. See Initial Decision at 8-9. The Agency representative testified, at the time of the hearing, that the wrong documentation was sent to Petitioner regarding the SNAP overpayment and thus, the procedural deficiency of failure to properly notice Respondent cannot be overcome. Ibid. I agree and note that the Agency shall be responsible for investigating any case of an alleged IPV, and ensuring that appropriate cases are acted upon either through administrative disqualification hearings or referral to a court of appropriate jurisdiction in accordance with the proper procedures. See N.J.A.C. 10:87-11.1(a). Administrative disqualification procedures or referral for prosecution action shall be initiated by the Agency in cases in which it has sufficient documentary evidence to substantiate that an individual has intentionally made one or more acts of IPV as defined at N.J.A.C. 10:87-11.3(a). Specifically, the Agency failed to comply with the regulatory mandates regarding service for a SNAP IPV as set forth at N.J.A.C. 10:87-11.5(a)(3).

However, as the ALJ acknowledges, despite that procedural deficiency regarding notice, Respondent did appear at the time of the hearing, and the ALJ was able to consider, based upon the testimonial and documentary evidence set forth, whether an IPV had been committed. See Initial Decision at 9. Accordingly, the ALJ concluded that the Agency had failed to demonstrate, by clear and convincing evidence, that Respondent provided intentionally misleading information on her SNAP application, during her SNAP benefits interview, or on her IRF. Ibid. Further, the ALJ concluded that the Agency's assertions regarding Respondent's failure to apply for unemployment benefits is based upon a hearsay document with notations written by an unidentified Agency employee, and that no one from the Agency with direct knowledge of the document was present at the hearing to attest to the truth of the document. See Initial Decision at 9-10; see also Exhibit P-1, and N.J.A.C. 1:1-15.5(b) (stating that the rules of evidence are relaxed and hearsay is admissible in the OAL, but "some legally competent evidence must exist to support each ultimate finding of fact to an extent sufficient to provide assurances of reliability and to avoid the fact or appearance of arbitrariness").

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, and differs from an IPV, 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 up to 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).

In consideration of the totality of testimonial and documentary evidence in this matter, the ALJ found that Respondent had not committed an IPV of SNAP, however, the ALJ affirmed the Agency's finding of an IHE, and thus an overissuance of benefits, by ordering that same be repaid. See Initial Decision at 11. Based on an independent review of the record, I agree with the ALJ's conclusions in this matter that the overpayment of SNAP benefits occurred due to an IHE, rather than an IPV. Thus, based upon the finding of an IHE, rather than an IPV, the ALJ found that no disqualification period, pursuant to N.J.A.C. 10:90-11.1(a) and 11.2(a)(1), was to be imposed. See Initial Decision at 11-12. I further agree.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the Initial Decision in this matter, and following an independent evaluation of the record, I concur with the ALJ's decision, and hereby adopt the Findings of Fact and Conclusion of Law in this matter. See 7 C.F.R. 273.16(e)(6).

By way of comment, at the time of the hearing, the Respondent indicated that she did not receive her tax refund, and believed it may have been utilized to satisfy the outstanding overissuance of SNAP benefits due to the Agency. See Initial



Decision at 7. Based upon the official records of this office, Petitioner's tax refund was not intercepted by the Agency/ Division.

By way of further comment, as Respondent signed the Agreement to Repay for WFNJ Benefits, and acknowledged a 6-month ineligibility period for receipt of such benefits, such penalty period shall be understood to run from the date the Agreement was signed, April 14, 2026, to October 14, 2026. See Exhibit P-1.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and MODIFY the Agency's determination as to the overissuance of SNAP benefits from an IPV to an IHE. Further, as I agree with the ALJ that no SNAP IPV was proven in this matter, no 12-month disqualification period, pursuant to N.J.A.C. 10:87-11.2(a)(1), shall be imposed. Therefore, I ORDER and direct that the Agency proceed to recoup the overissuances in accordance with the terms set forth in the Agreements to Repay previously executed by Respondent. See N.J.A.C. 10:87-11.20; see also N.J.A.C. 10:90-3.21(a) and 7 C.F.R. 273.18.

Officially approved final version. September 03, 2026

Natasha Johnson
Assistant Commissioner

