



State of New Jersey

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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 **02176-26 S.M.**

AGENCY DKT. NO. **C222365009 (HUDSON COUNTY DIVISION OF WELFARE)**

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 misrepresented her household composition while she received SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, on November 26, 2025. See Exhibit P-1; see also N.J.A.C. 10:87-11.5(a)(3)(i) and 7 C.F.R. 273.16(e)(3)(i). Receipt was further confirmed by the Agency via telephone call on January 9, 2026. Ibid. 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 for a hearing as a contested case. On February 17, 2026, the Honorable Gerard Hughes, Administrative Law Judge ("ALJ") held a telephonic plenary hearing, took testimony, and admitted documents.

On March 2, 2026, the ALJ issued an Initial Decision, which found 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 6; 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).

The Agency shall be responsible for investigating any case of 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). In the instance of an IPV, the ALJ shall base the determination of an IPV on clear and convincing evidence which demonstrates that the household member(s) committed, and intended to commit, an IPV as defined above. See N.J.A.C. 10:87-11.5(a)(6).

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).



Here, Respondent's husband, J.M., was primarily responsible for handling the SNAP benefits on behalf of the household. In 2021, the household completed an Interim Reporting Form ("IRF"), reporting that the household was reduced from three members to two members. See Initial Decision at 2-3. Respondent denies that she was the individual who completed the IRF in 2021, and further testified at the time of the hearing that she was unaware that her household received SNAP benefits until she received a recertification notice in October, 2025. See Initial Decision at 3. Respondent's husband, J.M., passed away on September 19, 2024, however, Respondent never informed the Agency of his passing, so SNAP benefits continued to be issued in an amount intended for a household of two persons. See Initial Decision at 3.

At some point in October, 2025, after receipt of the recertification application for SNAP benefits, Respondent sought further information from the Agency as to the household's receipt of SNAP benefits, as well as informing the Agency of her husband's passing. See Initial Decision at 3. At the time of the hearing, two Agency investigators testified that Respondent denied knowledge of the household ever receiving SNAP benefits, however, the documentary evidence in this matter is clear that SNAP benefits continued to be utilized following J.M.'s passing, at the same stores where purchases had been made prior to his passing. Ibid. At the hearing, the Agency argued that Respondent should have known that she was obligated to report J.M.'s death to the Agency, based upon the IRF in 2021, however, Respondent denied being the person who completed the IRF, and the ALJ found the signature on the IRF to be illegible. See Initial Decision at 3-4.

Following the report by Respondent of J.M.'s passing, the Agency reduced the monthly amount of SNAP benefits to Respondent and is now seeking to recover \$2,944 in overissued benefits for the period of time following J.M.'s death by reducing the current monthly SNAP benefits paid to the household. See Initial Decision at 4.

Based upon the foregoing, the ALJ concluded there is no proof that Respondent misrepresented, concealed, or withheld facts in order to obtain SNAP benefits. See Initial Decision at 5-6. Accordingly, based upon the record presented, and because the ALJ concluded that the Agency did not present clear and convincing evidence that Respondent had committed an IPV, the ALJ found that Respondent had not committed an IPV, however, the ALJ found that Respondent did not disclose the proper SNAP household composition, and affirmed the Agency's finding of an overissuance by ordering same be repaid. Ibid. 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, with which I also agree. Ibid.

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).

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 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 overissuance of any benefits that were issued, whether by a reduction of Respondent's current SNAP benefits allotment, or by other means in accordance with regulatory authority.

Officially approved final version. March 26, 2026

Natasha Johnson
Assistant Commissioner

