State of New Jersey

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*Lt. Governor*

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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STEPHEN CHA, MD, MHSR
*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

FINAL DECISION

OAL DKT. NO. HPW **09724-26 M.O.**

AGENCY DKT. NO. **C179111020** (**UNION COUNTY DIVISION OF SOC. SVCS.**)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner from October, 2022 through June, 2025. The Agency asserts that Petitioner received SNAP benefits to which she 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 July 24, 2026, the Honorable Gerard Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On August 6, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on August 18, 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 action, 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 that she received fluctuating earned income. See Initial Decision at 2-4; see also Exhibits R-1, R-2, R-3, R-4, R-6. As a result, the Agency determined that SNAP benefits had been overissued to Petitioner in the amount of $13,664 from October, 2022 through June, 2025. 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 she was not entitled, which must now be repaid. See Initial Decision at 4-5; see also N.J.A.C. 10:87-5.4(a)(1), -9.5, -11.20. I agree.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter. Specifically, as of the date of issuance of this Final Agency Decision, the Food and Nutrition Administration has not released any guidance as to offsetting overpayments of SNAP benefits against reported stolen benefits, and as such, Petitioner must repay that portion of the overpayment.

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. October 01, 2026

Natasha Johnson
Assistant Commissioner