State of New Jersey

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

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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 **17618-24 T.R.**

AGENCY DKT. NO. **C025205014** (**MORRIS CO. OFFICE OF TEMP ASSISTANCE**)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner from August, 2021, through January, 2022. 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 March 20, 2025, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On September 30, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

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 MODIFY the ALJ's Initial Decision, MODIFY the Agency's determination, and REMAND to the Agency, 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). Another 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). 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 earned income. See Exhibit R-1. As a result, an independent review of the official records of this office indicates that the Agency determined that SNAP benefits had been overissued, due to an IHE, in the amount of $2,013 from August, 2021, through October, 2021. Additionally, the Agency determined that SNAP benefits had been overissued, due to an AE, in the amount of $2,259 from November, 2021, through January, 2022, as the Agency had received Petitioner's paystubs on September 28, 2021, however, the paystubs were not input until January 13, 2022, at which time it was discovered that Petitioner's income exceeded the eligibility for receipt of SNAP benefits.

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 2-4; see also N.J.A.C. 10:87-5.4(a)(1), -9.5, -11.20. While I agree with the ALJ, specifically, that Petitioner received an overissuance of SNAP benefits to which she was not entitled, and must be repaid, the Initial Decision in this matter is modified to reflect not one, but two, separate instances of SNAP overissuances - one due to an IHE in the amount of $2,013, and the second due to an AE in the amount of $2,259, as only the latter amount is included within the Initial Decision.

Further, the ALJ included language within the Initial Decision that repayment of the overissuance would be made at a rate of $55 per month. See Initial Decision at 2-4. The record is devoid, however, of any evidence to reflect how this amount was determined. Accordingly, this matter is remanded back to the Agency to determine what the appropriate monthly repayment amount is, in accordance with applicable regulatory authority, and the DFD Claims Management Plan. The Initial Decision and the Agency determination are both modified to reflect the above findings.

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

Officially approved final version. October 29, 2026

Natasha Johnson
Assistant Commissioner