



State of New Jersey

MIKIE SHERRILL
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

STEPHEN CHA, MD, MHSR
Commissioner

DR. DALE G. CALDWELL
Lt. Governor

TRENTON, NJ 08625-0716

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 **04714-26 A.T.**

AGENCY DKT. NO. **C154472020 (UNION COUNTY DIVISION 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, of the Supplemental Nutrition Assistance Program ("SNAP") and, as defined by N.J.A.C. 10:90-11.1(a), of the Work First New Jersey/Temporary Assistance to Needy Families ("WFNJ/TANF") Program. The Agency asserts that Respondent intentionally provided incomplete, misleading, false, or inaccurate information regarding her employment and income while she received SNAP and WFNJ/TANF benefits, thus causing Respondent to receive overissuances 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 penalties, via Certified Mail. See Exhibit P-8; see also N.J.A.C. 10:87-11.5(a)(3)(i) and 7 C.F.R. 273.16(e)(3)(i). 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 March 27, 2026, the Honorable Gerard Hughes, Administrative Law Judge ("ALJ") held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On April 15, 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, as well as an overissuance of WFNJ/TANF benefits, to which she not entitled. See Initial Decision at 2-6; see also N.J.A.C. 10:87-11.3(a), -11.5(a)(6), N.J.A.C. 10:90-11.1(a), 7 C.F.R. 273.16(c)(1), and 7 C.F.R. 273.16(e)(4).

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87-1.1(a). In the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20; see also 7 C.F.R. 273.18(a). One 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); see also 7 C.F.R. 273.18(b)(3). Repayment of overissuances may be sought for amounts going back 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); see also 7 C.F.R. 273.18(c)(1)(i).

IPVs occur where the person intentionally "made a false or misleading statement, or misrepresented, concealed or withheld facts." See N.J.A.C. 10:87-11.3 and 7 C.F.R. 273.16(c).

The record reveals that Respondent was receiving SNAP and WFNJ/TANF benefits prior to April, 2021, and that, during April, 2021, Petitioner began to receive earned income from her employer, which Respondent reported to the Agency, however, the information regarding her earned income was not processed by the Agency for several months, until October, 2021, which resulted in an overissuance of benefits from April, 2021 to September, 2021, in the amount of



\$4,884. See Initial Decision at 3-4. At the time of the hearing, Respondent testified that she attempted to report her earned income to the Agency during April, 2021, in person, but that, due to COVID-19 restrictions, Respondent was unable to come into the Agency without an appointment and that she thereafter mailed information about her income to the Agency, as she was instructed. Ibid. In addition, during August, 2021, Respondent reported her income during an interview with the Agency. Ibid.

Based upon the foregoing, and upon the record presented, the ALJ concluded that there is no proof that Respondent misrepresented, concealed, or withheld facts in order to obtain SNAP or WFNJ/TANF benefits, as based upon Respondent's testimony, Respondent took all reasonable measures to report her income to the Agency. See Initial Decision at 5. However, the ALJ did conclude that Respondent remains responsible for any overpayment of SNAP and WFNJ/TANF benefits, regardless of the underlying cause, which in this instance was due to an AE. Id. at 5-6. Based on an independent review of the record, I agree with the ALJ's conclusions in this matter.

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, the Initial Decision in this matter reflects that some portion of the SNAP and/or WFNJ/TANF overissuance has already been recouped via a State Income Tax withholding, in the amount of \$1,762. Respondent should communicate directly with the Agency regarding the remaining balance of the overissuances, and I hereby order that the Agency recoup the remaining amount of any overissued benefits.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter. The Agency is further ordered to recoup any remaining overissued SNAP and/or WFNJ/TANF benefits.

Officially approved final version. May 14, 2026

Natasha Johnson
Assistant Commissioner

