



DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 3900-15 C.R.

AGENCY DKT. NO. C056499 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals the Respondent Agency's correctness of a Supplemental Nutrition Assistance Program ("SNAP"), f/k/a Food Stamps, benefits recoupment due to an overissuance. The Agency asserts that Petitioner failed to report unearned income, specifically rental income, while the household was receiving SNAP benefits, thus causing Petitioner to receive benefits to which she was not entitled. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 15, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On May 28, 2015, the ALJ issued his Initial Decision affirming the Agency's determination.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

In the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. Two types of overpayment which are subject to recoupment are, an unintended error on the part of the household receiving benefits, called an "Inadvertent Household Error," and an action of the Agency itself, called an "administrative error." N.J.A.C. 10:87-11.20(e)(2), (3). Repayment of overissuances may be sought for up to six years following the time that the Agency becomes aware of the overpayment. N.J.A.C. 10:87-11.20(f)(1)(i).

The record in this matter reveals that between February of 2012 and January of 2015, Petitioner received SNAP benefits based on calculations which did not include Petitioner's monthly income from rental property owned by her husband and his mother. See Initial Decision at 2. Here, the Agency asserted that Petitioner failed to report this income to the Agency, while Petitioner's husband asserted that he had provided the Agency with that information. Ibid. Regardless, this omission from Petitioner's SNAP calculation resulted in an overissuance of SNAP benefits to Petitioner. Accordingly, I find that the overissuance of benefits must be repaid regardless of fault. Likewise, the ALJ found that Agency error does not constitute a defense to an overpayment, and properly opined that the "overpayment consists of taxpayer dollars, and petitioner is not entitled to a windfall." See id. at 3. I concur with this decision. As such, I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision, AFFIRM the Agency determination and ORDER the Agency to recoup the overissuance, pursuant to N.J.A.C. 10:87-11.20.

JUN 12 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director