



State of New Jersey

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 8194-14 E.J.

AGENCY DKT. NO. C247653 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's action to recover overpayments of Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 14, 2014, the Honorable Linda M. Kassekert, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 25, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Neither party submitted exceptions.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

The Agency contends Petitioner was overpaid \$6,053.00 in SNAP benefits for the period from November 2009 to May 2012 while she was a full-time college student. Petitioner alleges she received a Pell grant for each of the years she was enrolled in college, and contends she was therefore eligible to receive SNAP benefits.

Petitioner does not meet any of the applicable SNAP eligibility criteria in N.J.A.C. 10:87-3.14(d), specifically including, but not limited to, -3.14(d)(1) and (d)(2). Petitioner was not employed for a minimum of 20 hours per week with earnings at a rate equal or greater than the federal minimum wage. Likewise, Petitioner did not participate in a qualifying federal or state-financed work study program.

Subject to narrow exceptions and limitations not applicable to this case, the Agency must take action to recover overpayments of SNAP benefits which result from inadvertent household error. N.J.A.C. 10:87-11.20. There is sufficient credible evidence the Agency properly calculated the overpayments, timely initiated an appropriate recovery action and is not estopped from recovering overpayments dating from November 2009. N.J.A.C. 10:87-11.20(f).

For the foregoing reasons, I ADOPT the Initial Decision and AFFIRM the Agency determination.

SEP - 5 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director