



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 15339-15 J.M.

AGENCY DKT. NO. C036371 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's correctness of a Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, a Work First New Jersey/General Assistance ("WFNJ/GA"), and an Emergency Assistance ("EA") recoupment due to an overissuance. The Agency asserts that Petitioner received SNAP, WFNJ/GA, and EA benefits, to which she was not entitled, as a result of receiving unearned income from friends or family. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 27, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony and admitted documents into evidence.

On October 29, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination. The ALJ noted in the opinion that a previous Final Agency Decision ("FAD") was issued on the merits of this case. See Initial Decision at 3. In that previous case, the FAD adopted the Initial Decision and affirmed the Agency action finding that Petitioner's SNAP benefits were appropriately reduced due to unearned income, and her EA terminated because she had exhausted her lifetime limit and was no longer eligible for an extension. *Ibid.* As the issue of Petitioner's WFNJ/GA termination was not addressed in this previous decision, the Agency resubmitted the fair hearing request on May 19, 2015, to address the aforementioned issue. *Ibid.* A hearing on the resubmitted issue was scheduled for June 16, 2015, but Petitioner did not appear, or explain her absence from the hearing. *Id.* at 4.

In the present case, Petitioner is appealing the determination that she was not entitled to benefits from June 2014 through April 2015, and therefore was issued benefits which she was not entitled to. *Id.* at 5. According to the final calculations by the Agency, Petitioner was over-issued \$678.00 in SNAP benefits, and \$10,653.00 in WFNJ/GA and EA benefits. *Id.* at 3; see also Exhibit R-1 at 10, 11 and 14. The ALJ found that Petitioner is estopped by the legal concepts of *res judicata* and collateral estoppel from relitigating the defenses presented in the previous hearing; namely that her receipt of continued benefits pending the fair hearing, made her indebtedness to the Agency worse. See Initial Decision at 6; see also *Reid v. Reid*, 310 N.J. Super. 12 (App. Div. 1998). Consequently, the ALJ ordered that the Agency recoup the over-issuance of Petitioner's SNAP and WFNJ/GA plus EA benefits. *Ibid.*

I agree. Based on the record presented, there does not appear to be a new fact or issue that requires further litigation. The previous hearing reached a final judgment, involved the same parties, issues, cause of action, and sought the same remedy. See *City of Hackensack v. Winner*, 162 N.J. Super. 1 (App. Div. 1978). The legal concepts of *res judicata* and collateral estoppel also apply in administrative tribunals and agency hearings, especially when dealing with findings of fact. *Ibid.* Here, Petitioner merely seeks to readdress the issue regarding her benefit allotment based on third party income received from friends and family. See Exhibit R-1 at 4. This fact was established at the previous hearing and need not be addressed again here.

Further, I take official notice of Petitioner's bank records, which were submitted in the previous Fair Hearing and marked as Exhibit R-6. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). Those records indicate that Petitioner began receiving income from friends and family beginning in June of 2014. Therefore, although the Agency issued its adverse action notice on October 30, 2014, it is entitled to recoup the overpayment WFNJ/GA benefits because the deposits in Petitioner's bank account, beginning in June 2014, exceed the maximum benefit level allowed thus making Petitioner ineligible at that time. See N.J.A.C. 10:90-3.5(b).

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED.

Signed Copy on File

at DFD, BARA

NOV 16 2015

Natasha Johnson
Director