



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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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 **00193-24 F.L.**

AGENCY DKT. NO. **C224809020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between December 2020, and October, 2021. The Agency asserts that Petitioner's household received SNAP benefits to which it was not entitled, thereby resulting in an overissuance of benefits which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A hearing was initially scheduled for February 8, 2024, but was adjourned to allow Petitioner to consult legal counsel. The matter was then rescheduled for March 1, 2024, but was adjourned again, this time at the request of the Agency. The next rescheduled hearing date of April 3, 2024, was also adjourned due to Petitioner's conflict with a medical appointment. On May 8, 2024, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony, and admitted documents. The record was held open for the receipt of additional documentation referenced at the hearing and then closed on May 20, 2024. On June 10, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and AFFIRM the Agency determination, based on the discussion below.

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. Overpayment claims are considered federal debts, which must be established and collected. See N.J.A.C. 10:87-11.2(b). 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). 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).

"Every NJ SNAP application shall be made on behalf of a household. It is critically important to determine exactly who constitutes the household for NJ SNAP since all considerations of eligibility will follow from this initial determination." N.J.A.C. 10:87-2.1. Further, N.J.A.C. 10:87-2.2(a) states, "A household may be composed of any of the following individuals or groups of individuals ... [a] group of individuals living together for whom food is purchased in common and for whom meals are prepared together for home consumption[.]" See N.J.A.C.10:87-2.2(a)(3).



Regulatory authority, applicable to SNAP benefit cases, defines income as “all income from whatever source unless such income is specifically excluded.” See N.J.A.C. 10:87-5.3. In order to determine an applicant's eligibility for SNAP, the applicant's income and resources must be below a certain threshold. In accordance with N.J.A.C. 10:87-6.16(d)(1), households which contain an elderly or permanently disabled individual, as defined by N.J.A.C. 10:87-2.34, must meet the net income test only for SNAP eligibility. N.J.A.C. 10:87-6.16(d)(2) states that households that do not contain an elderly or permanently disabled household member must meet both the gross income test, as well as the net income test, meaning that the respective income amounts must be below the established standards. See also N.J.A.C. 10:87-12.3, -12.4.

Here, the record reflects that the Agency conducted an investigation, from which it determined that Petitioner and L.L., the father of Petitioner’s children, had resided in the same residence with Petitioner since November, 2020. See Initial Decision at 2; see also Exhibit R-1 at 9. Despite residing together, Petitioner did not include or report L.L. as a SNAP household member for SNAP benefits eligibility purposes until July 2021, nor was L.L.’s income included in the eligibility determinations. See Initial Decision at 2. Despite Petitioner’s various assertions to the contrary of when exactly Petitioner and L.L. began to reside together, the ALJ in this matter found that a lease agreement in the record substantiated that Petitioner and L.L. had resided together since November 14, 2020, and that Petitioner had improperly not included L.L. in the household composition for SNAP benefits eligibility purposes, and further, that because L.L. should have been included in the household composition, his income should also have been included in household’s total income for the SNAP benefits eligibility determinations during the period in question. Id. at 3-5. Based on the foregoing, the ALJ concluded that L.L. should have been included in Petitioner’s household composition for the period of December 2020, through October 2021, and that, upon inclusion of L.L.’s income in the total household income for said time period, Petitioner’s household was not eligible for SNAP benefits, and Petitioner’s household received an overissuance of SNAP benefits to which it was not entitled, in the total amount of \$6,737, which must now be repaid. Id. at 6; see also Exhibit R-1 at 1-4, 35-38, and N.J.A.C. 10:87-11.20(b), (e)(2). Based on an independent review of the record, I agree. As such, I direct that the Agency proceed to recoup the overissuance.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED.

Officially approved final version. July 09, 2024

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Natasha Johnson  
Assistant Commissioner

