



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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 **01946-24 F.S.**

AGENCY DKT. NO. **C208273009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner challenges the correctness of a Supplemental Nutrition Assistance Program ("SNAP") recoupment by the Respondent Agency, due to an overissuance. The Agency asserts that Petitioner received SNAP benefits to which she was not entitled, as the result of a failure to report a change in household income in the form of earned income, as well as unearned income in the form of Unemployment Insurance Benefits ("UIB"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was scheduled for April 11, 2024, at which time Petitioner requested an adjournment. On April 29, 2024, Petitioner requested a second adjournment due to illness. On May 21, 2024, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ,") held a plenary hearing, took testimony, admitted documents into evidence, and the record then closed. On June 12, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

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

As Assistant Commissioner, 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 hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency action, based on the discussion below.

In the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. 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 up to six years following the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner received an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 2-5. Specifically, the ALJ found that, due to an IHE, Respondent had failed to report earned income, as well as unearned income, which resulted in an overissuance of SNAP benefits to Respondent in the total amount of \$25,858, for the period beginning January, 2019 through August, 2023. *Ibid.*; see also Exhibit R-1, and N.J.A.C. 10:87-5.4(a)(1), -9.5.

Based on the evidence presented, the ALJ concluded that Petitioner's household had received an overissuance of SNAP benefits to which it was not entitled, which must be repaid, and affirmed the Agency's demand for repayment. See Initial Decision at 8. I agree.

I ORDER and direct that the Agency proceed to recoup the overissuance.



By way of comment, Petitioner previously admitted trafficking of SNAP benefits, in the amount of \$1,596.71 from June, 2021 to October, 2021, which is an Intentional Program Violation (“IPV”). Petitioner signed a Waiver of Right to Administrative Disqualification Hearing regarding the IPV and agreed to be disqualified from benefits for a period of 12 months. Based upon the IPV, Petitioner’s SNAP household is now comprised of three persons. See N.J.A.C. 10:87-11.2(a), (k).

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency’s determination is AFFIRMED, as outlined above.

Officially approved final version. July 03, 2024

Natasha Johnson
Assistant Commissioner

