



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **03039-20 J.S.**

AGENCY DKT. NO. **C112771003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner challenges the correctness of the Respondent Agency's notices to recoup Supplemental Nutrition Assistance Program ("SNAP"), Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA") benefits that were allegedly overpaid to Petitioner. The Respondent Agency maintains that Petitioner received SNAP, WFNJ/TANF, and EA benefits to which she was not entitled, as a result of her failure to timely report earned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On October 19, 2020, and October 26, 2020, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents into evidence. The record remained open until October 27, 2020, to allow the parties to submit additional documents, and then closed on that day. On November 9, 2020, the ALJ issued an Initial Decision, reversing the Agency's notices to recoup SNAP, WFNJ/TANF, and EA benefits issued to Petitioner.

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

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and REVERSE the Agency determinations, based on the discussion below.

In the instance of an overpayment of [SNAP] 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 resulting from a misunderstanding or unintended error on the part of the household, 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).

The county or municipal agency shall seek recovery of all overpayment, including emergency assistance, regardless of fault, including overpayments caused by administrative action or inaction and overpayments resulting from assistance paid pending hearing decisions. See N.J.A.C. 10:90-3.21(a)(1).

Here, the record reflects that Petitioner has been a SNAP and WFNJ/TANF benefits recipient since October, 2013. See Initial Decision at 2. In December, 2013, Petitioner also began receiving EA benefits. *Ibid.*; see also Exhibit K. In January, 2014, Petitioner completed a WFNJ Individual Responsibility Plan ("IRP"), and reported that she began working on January 12, 2014. See Initial Decision at 2; see also Exhibit P-2. Notably, on June 10, 2014, Petitioner reported, again, that she was employed. See Initial Decision at 5; see also Exhibit I. Thereafter, pursuant to a DOVE Detail Report, the Agency discovered that for the second quarter (April through May) of 2014, Petitioner's gross employment income totaled



\$1,614.25, and for the period beginning October, 2014, through December, 2014, Petitioner's gross employment income totaled \$1,165. See Initial Decision at 3; see also Exhibit G.

On August 4, 2014, the Agency discovered that in May, 2014, Petitioner received an overpayment of SNAP benefits in the amount of \$328, and that for the period of May, 2014, through June, 2014, Petitioner had received overpayments of WFNJ/TANF and EA benefits in the amount of \$641, and \$1,700, respectively. See Initial Decision at 3; see also Exhibit D. The reason for the overpayments, as determined by the Agency, was that during May, 2014, through June, 2014, Petitioner had failed to report her employment earnings in a timely manner. *Ibid.*, see also N.J.A.C. 10:87-5.4, -9.5, -11.20(f)(2), 10:90-3.8, -3.9, -6.2. On December 11, 2019, the Agency sent notices to Petitioner, seeking to recoup \$2,669 in overissued SNAP, WFNJ/TANF and EA benefits (\$328 + \$641 + \$1,700 = \$2,669). See Initial Decision at 3; see also Exhibits A, B, C.

As it relates to the overissuance of SNAP benefits, the ALJ found that the Agency had not met its burden in establishing, by a preponderance of the credible evidence, that Petitioner had received an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 8, 9. Specifically, because Petitioner was subject to simplified reporting, which required her to report changes in income in six months, the ALJ found that Petitioner did notify the Agency in January, 2014, and again in June, 2014. *Id.* at 8; see also N.J.A.C. 10:87-9.5(a)(1). The ALJ further found that since neither Petitioner, nor Respondent, submitted documentation showing Petitioner's gross monthly earnings for April, 2014, there was no way to confirm whether the \$921.25 earned by Petitioner in May, 2014, was an increase of \$100, which, pursuant to regulatory authority, required Petitioner to report. See Initial Decision at 7; see also N.J.A.C. 10:87-9.5(a)(2). Lastly, the ALJ found that the \$1,165, were wages earned in the fourth quarter of 2014, and not within the time frame that is the subject of this present matter. See Initial Decision at 8. Moreover, if that amount is deducted from the Agency's calculations, the remaining amount, \$1,614.25, earned in May, 2014, through June, 2014, does not exceed the income limit, requiring Petitioner to report the income within 10 days. See N.J.A.C. 10:87-9.5(a). Accordingly, the ALJ concluded that there was no SNAP overpayment, as Petitioner was entitled to those benefits, since her income was below the maximum limits for May, 2014, and June, 2014. See Initial Decision at 8; see also N.J.A.C. 10:87-12.4. I agree.

Regarding the overissuance of EA benefits Petitioner received in May, 2014, and June, 2014, the ALJ found that the Agency had not met its burden in establishing, by a preponderance of the credible evidence, that Petitioner had received an overissuance of EA benefits because she had failed to timely report her employment income. See Initial Decision at 9. Specifically, the ALJ found that as Petitioner was subject to simplified reporting, the documentary evidence does not support an increase in income triggering the 10-day notice requirement for Petitioner to report her income. *Ibid.* I also agree.

As it relates to the overissuance of WFNJ/TANF benefits received by Petitioner, again, the ALJ found that the Agency had not met its burden in establishing, by a preponderance of the credible evidence, that Petitioner had received an overissuance of WFNJ/TANF benefits to which she was not entitled. See Initial Decision at 11. Here, the Agency contends that the total amount of income earned by Petitioner, as verified by the Agency, must be accounted for, because Petitioner was not entitled to the 75% income disregard, as she did not supply paystubs demonstrating that she satisfied the twenty hour per week requirement. *Ibid.*; see also N.J.A.C. 10:90-3.8(b)(1). The ALJ found, however, that Petitioner worked an average of 20.94 hours per week in May, 2014, and an average of 21 hours per week in June, 2014. See Initial Decision at 10-11; see also Exhibit G. Accordingly, the ALJ concluded that Petitioner was, in fact, entitled to the 75% income disregard, and therefore, Petitioner did not receive an overissuance of WFNJ/TANF benefits, as she was entitled to them because her income was below the maximum limit for receipt of WFNJ/TANF benefits. See Initial Decision at 11; see also N.J.A.C. 10:90-3.8, -3.9, -9.3. I agree.

Accordingly, the ALJ ordered that the Agency notices seeking to recoup SNAP, EA, and WFNJ/TANF benefits issued to Petitioner are reversed. See Initial Decision at 11; see also Exhibits A, B, C. I also agree.

Based on the foregoing, the Initial Decision is hereby ADOPTED, and the Agency's determinations are REVERSED, as outlined above.

Officially approved final version. July 18, 2024

Natasha Johnson
Assistant Commissioner

