



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

NATASHA JOHNSON
Director

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 06818-18 J.E.

AGENCY DKT. NO. S433637002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the correctness of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits, and the resultant reduction of SNAP benefits by Respondent Agency to recoup said overissuance. The Agency asserts that Petitioner received SNAP benefits to which she was not entitled as the result of an administrative error and that the overissuance must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 29, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On June 8, 2018, the ALJ issued an Initial Decision affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As the Director of the 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.

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. One type of overpayment which is subject to recoupment is one which is caused by an action of the Agency itself, called an "administrative error." N.J.A.C. 10:87-11.20(e)(3). Repayment of overissuances may be sought for up to six years following the time that the Agency becomes aware of the overpayment. N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the record reflects that Petitioner receives Retirement, Survivors and Disability Insurance ("RSDI") benefits comprised of \$688.00, for her deceased parent, and \$498.00 in her name, for a total monthly benefit of \$1,186.00. See Initial Decision at 2; see also Exhibit R-5. On September 26, 2017, the Agency discovered that it had not budgeted Petitioner's total unearned income of \$1,186.00 from January 2017, through August, 2017; specifically, the Agency failed to include Petitioner's deceased parent's RSDI benefit amount of \$688.00 into Petitioner's SNAP benefit calculation, which resulted in an overissuance of SNAP benefits to Petitioner in the amount of \$1,392.00. See Initial Decision at 2;



see also Exhibits R-2, R-3, R-4, and R-6 at 18. Petitioner acknowledged that she had been overissued SNAP benefits from January 2017, through August 2017, but requested that the amount be waived due to "hardship." See Initial Decision at 4. Based on the record presented, the ALJ concluded that the Agency's determination that Petitioner was overissued SNAP benefits during the time period claimed was proper, and that the resulting reduction of Petitioner's SNAP benefits, to repay the overissuance, was therefore appropriate. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:87-11.20(b), (e)(3). I agree.

Further, I find that an Agency error cannot result in a windfall to Petitioner, as receipt of an overissuance of SNAP benefits is money that Petitioner received, to which she was not entitled, and therefore, must be repaid. See Initial Decision at 4; see also N.J.A.C. 10:87-20(b). As such, I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision, AFFIRM the Agency determination and ORDER the Agency to recoup the overissuance.

Officially approved final version.

JUN 21 2018

Natasha Johnson
Director

