



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 09428-18 K.L.

AGENCY DKT. NO. C274843004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner challenges the Respondent Agency's correctness of a Supplemental Nutrition Assistance Program ("SNAP") and Work First New Jersey/General ("WFNJ/GA") Assistance recoupment of benefits due to an overissuance. The Agency asserts that Petitioner received SNAP and WFNJ/GA benefits, to which she was not entitled, as the result of a failure to report unearned income in a timely manner. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 13, 2018, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On September 26, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that on June 6, 2018, the Agency notified Petitioner that she had allegedly received an overissuance of SNAP and WFNJ/GA benefits to which she was not entitled. See Initial Decision at 2, 3; see also Exhibit R-1 at 1-6, and N.J.A.C. 10:87-11.20(e)(2), (f)(1)(ii). Specifically, the Agency had determined that from August 2017, through October 2017, Petitioner had received an overissuance of SNAP benefits in the amount of \$265, and an overissuance of WFNJ/GA benefits in the amount of \$420, due to her failure to report receipt of Retirement, Survivors and Disability Insurance ("RSDI") benefits in the amount of \$550 per month. *Ibid.*; see also Exhibit R-1 at 18-20. The ALJ found that the documents presented by the Agency at the hearing did not establish that Petitioner received \$550 in unearned income for the months of August 2017, through October 2017, and that there was no testimony offered by the Agency about the source of the unearned income, or how the Agency arrived at its determination that Petitioner had received \$550 in unearned income for the months of August 2017, through October 2017. See Initial Decision at 4; see also Exhibit R-1 at 18-20, 23-25. Based on the foregoing, the ALJ concluded that the Agency did not prove, by a preponderance of the evidence, that Petitioner received SNAP and WFN/GA benefits to which she was not entitled, and that the Agency's demand for repayment of the overissuance of SNAP and WFNJ/GA benefits must be denied. See Initial Decision at 5; see also Exhibit R-1 at 1-4, 5-6. I agree.

No Exceptions to the Initial Decision were filed.



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 final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusions of Law.

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

Officially approved final version.

OCT 09 2018

Natasha Johnson
Director

