



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 09132-20 L.S.

AGENCY DKT. NO. C026498014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner challenges the correctness of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that Petitioner received SNAP benefits to which she was not entitled, which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 8, 2020, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. On August 23, 2021, 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 considered the ALJ's Initial Decision and following an independent review of the record, I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency action, based upon 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. One type of overpayment which is subject to recoupment is one which results from "an overpayment caused by an action or failure to take action by the Agency," called an "Agency Error" ("AE"). See 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 overissuance. 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 3. The ALJ further found that, due to a miscalculation by the Agency, an AE occurred, which resulted in an overissuance of SNAP benefits to Petitioner in the amount of \$4,702, for the periods beginning October, 2015, through September, 2016, and October, 2016, through



September, 2017. Id. at 2, 3; see also Exhibit R-1 at 5-6, 9-10, 15, 16-27, 30-33, 34-36, and N.J.A.C. 10:87-5.4(a)(1), -9.5.

Based on the record presented, the ALJ concluded that Petitioner was overissued SNAP benefits to which she was not entitled during the time periods claimed, and as such, the Agency is entitled to recoup, and Petitioner must repay, the overissuance of SNAP benefits, for which she was not eligible to receive. See Initial Decision at 3; see also N.J.A.C. 10:87-11.20(b), (e)(3). I agree.

Further, while I agree that the Agency must collect the overissuance, I find that, instead of the twenty-five dollars (\$25.00) per month the ALJ has recommended that Petitioner pay the Agency, she should contact the Agency to arrange a mutually agreeable repayment agreement, in case Petitioner wishes to make smaller installment payments. See N.J.A.C. 10:87-11.20(i)(4)(xiv), -(j)(1). Or, if Petitioner is currently a SNAP benefits recipient, the Agency may reduce Petitioner's SNAP benefit allotment in accordance with current regulatory authority, until the entire amount of the overissuance is recouped. See N.J.A.C. 10:87-11.20(p)(1)(iii). The Initial Decision is modified to reflect this finding.

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

Accordingly, the Initial Decision in this matter is MODIFIED, and the Agency's determination is AFFIRMED.

Officially approved final version. **OCT - 7 2021**

Natasha Johnson
Assistant Commissioner

