



State of New Jersey

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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 08463-21 K.K.

AGENCY DKT. NO. C101441008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's correctness of a Supplemental Nutrition Assistance Program ("SNAP") benefits recoupment, 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 accurately report her household composition. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 29, 2021, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. On November 9, 2021, 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.

Every SNAP application shall be made on behalf of a household. See N.J.A.C. 10:87-2.1. It is critically important to determine exactly who comprises the SNAP household, since all considerations of eligibility will follow from this initial determination. Ibid.

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 record reflects that in November, 2019, Petitioner applied for SNAP benefits, for herself and three children, including R.B., who was an 18-year-old, full-time college student, living in the home. See Initial Decision at 2; see also Exhibit R-1 at 151-164. Notably, beginning with the November, 2019, application for SNAP benefits, and each recertification application for SNAP benefits thereafter,



Petitioner always included all three of her children. See Initial Decision at 3; see also Exhibit R-1 at 157-210. Also in November, 2019, Petitioner reported the receipt of monthly Retirement, Survivor's and Disability Insurance ("RSDI") benefits, as the lone source of household income. See Initial Decision at 5; see also Exhibit R-1 at 149, and N.J.A.C. 10:87-5.5(a)(2).

In August, 2020, R.B., applied for SNAP and Work First New Jersey/General Assistance ("WFNJ/GA") benefits, but was denied due to being over income. See Initial Decision at 3. Thereafter, the Agency discovered that, from April, 2017, through December, 2019, R.B., Petitioner's child, who attended college and lived in Petitioner's home, had earned income while attending college, and that Petitioner did not report R.B.'s earnings, while Petitioner was receiving SNAP benefits. Ibid.; see also Exhibit R-1 at 108-120. On August 27, 2020, after the Agency's discovery that R.B. had earned income, an Overpayment Referral was submitted, as the Agency determined that since R.B. was a member of Petitioner's household, R.B.'s employment income counted towards the household in determining Petitioner's continued eligibility for SNAP benefits, and should have been reported. See Initial Decision at 3; see also Exhibit R-1 at 102, and N.J.A.C. 10:87-2.2, -3.14, -5.2(a)(1), (2). After Petitioner's SNAP benefits from 2017, through 2020, were recalculated in conjunction with the household's monthly income comprised of the RSDI benefits, and R.B.'s earned income, the Agency further determined that there was an IHE SNAP overissuance for the period beginning June, 2017, through February, 2020, and June, 2020, through August, 2020. See Initial Decision at 7; see also Exhibit R-1 at 3-101.

Based on the evidence presented, the ALJ concluded that, from June, 2017, through February, 2020, and June, 2020, through August, 2020, Petitioner received an overissuance of SNAP benefits in the amount of \$9,814 to which she was not entitled, and which must be repaid. See Initial Decision at 9; see also Exhibit R-9, and N.J.A.C. 10:87-2.2, -2.14, -11.20. I agree.

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

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

Officially approved final version.

NOV 22 2021

Natasha Johnson
Assistant Commissioner

