



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **04659-24 C.H.**

AGENCY DKT. NO. **C059109005 (CAPE MAY COUNTY WELFARE BOARD)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent intentionally misrepresented her household composition while she received SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing ("ADH"), the charges against her, and the proposed disqualification penalty, via Certified Mail Return Receipt Requested, on March 1, 2024. See Exhibit P-1 at 68-69. Thereafter, on April 10, 2024, the matter was transmitted to the Office of Administrative Law to be heard as an ADH. On May 2, 2024, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ,") held a telephonic hearing, took testimony, and admitted documents. On May 16, 2024, at the ALJ's request, Respondent submitted copies of certain documents and the record was held open for submission of written summations and thereafter closed on May 20, 2024.

On May 24, 2024, the ALJ issued an Initial Decision, which found that the Agency did not meet its burden in establishing, by the requisite clear and convincing evidence, that Respondent had deliberately and intentionally withheld information from the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits, to which she not entitled. See Initial Decision at 10; see also N.J.A.C. 10:87-11.5(a)(6). IPVs occur where the person intentionally "made a false or misleading statement, or misrepresented, concealed or withheld facts." See N.J.A.C. 10:87-11.3.

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, and differs from an IPV, 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 amounts up to six years prior to the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the ALJ found that Respondent did not disclose the proper SNAP household composition, however, that her failure to disclose was unintentional and affirms the Agency's finding of an overissuance by ordering same be repaid in accordance with the Agreement to Repay Overissued NJ SNAP Benefits signed by Respondent on February 1, 2024. See Initial Decision at 1; see also Exhibit R-1.

Respondent first applied for SNAP benefits during January 2018 and included herself, her son, and her roommate (hereinafter F.C.), although, at the time of the initial application, Respondent indicated that F.C. purchased and prepared his own food and should not be considered part of her household. See Initial Decision at 2; see also Exhibit P-1 at 6-7.



Thereafter, Respondent submitted several Interim Reporting Forms (“IRFs”) and recertifications for SNAP benefits between April 2018 and April 2020, wherein F.C. was not included as a SNAP household member and, if he was identified as being in the home, was noted to be purchasing and preparing his food separately. See Initial Decision at 2-3; see also Exhibit P-1 at 16-17, 19, 26-27, 29, 37. During Respondent’s November 2018 recertification, Respondent did add a new household member, a child who had been born during August 2018, and whose father was identified as F.C. See Initial Decision at 3; see also Exhibit P-1 at 19.

Here, the ALJ found Respondent to be credible in testifying that she and F.C. shopped, purchased, and prepared food separately even during the periods of time where they did reside together. See Initial Decision at 4. Respondent testified that she believed she had informed her caseworker of F.C. residing in the home, that she informed her caseworker she was pregnant with F.C.’s child, that her relationship with F.C. was that of a roommate from February 2018, when she applied for benefits, until their daughter was born during August 2018, and that from August 2018 until February 2020, she and F.C. were not in a dating relationship. See Initial Decision at 5. Respondent testified that she never lied regarding her living arrangements with F.C. and that she did not intentionally hide information from the Agency, as she did not believe F.C. was part of her SNAP household because they did not shop, purchase, or prepare food together. See Initial Decision at 5. Additionally, Respondent testified that she was unaware that, upon the birth of their mutual child, F.C. needed to be included in the SNAP household, as they were living together as a couple with a child, even if he did not purchase or prepare food with Respondent in accordance with N.J.A.C. 10:87-2.2(c)(1). See Initial Decision at 4.

Respondent testified that she met with the Agency investigator on February 1, 2024, and believed the meeting to be about an overpayment and that she learned, at that time, that F.C. had to be included in the SNAP household. See Initial Decision at 6. Respondent testified she was nervous and signed the agreement to repay the overissued benefits but that she was not told she was being charged with an IPV as she had made a mistake not including F.C. See Initial Decision at 3, 6. When the Agency investigator met with Respondent on February 1, 2024, F.C.’s income was utilized to recalculate Respondent’s benefits to determine the amount of the overpayment of benefits, as F.C. should have been added to the household as he did reside with Respondent and they share a mutual child. See Initial Decision at 3; see also P-1 at 1.

The ALJ in this matter found that Respondent did disclose that F.C. lived with her, but that she believed he was not a part of her SNAP household because they did not purchase and prepare food together and that, after the birth of their child, she was unaware that he could not be considered a separate household for SNAP purposes if they were living together. See Initial Decision at 7. The ALJ concluded that the overpayment of SNAP benefits occurred due to an IHE, rather than an IPV, in that Respondent was unaware of the SNAP regulation requiring co-parents residing together with their child to be considered one household. See Initial Decision at 10. Based upon the finding of an IHE, rather than an IPV, the ALJ found that no disqualification period, pursuant to N.J.A.C. 10:90-11.1(a) and 11.2(a)(1), was to be imposed. See Initial Decision at 10. Further, the ALJ found that Respondent received from the Agency a “Notice to Repay Overissued SNAP Benefits,” in the amount of \$3,889.00 for the time frame of February, 2018 to February, 2020 wherein Respondent was advised the type of claim was for an Inadvertent Household Error (“IHE”) due to not properly reporting her household composition. See Initial Decision at 7; see also Exhibit R-2. As Respondent did receive SNAP benefits to which she was not entitled, thereby resulting in an overissuance of benefits, such benefits must be repaid in accordance with the signed Agreement to Repay Overissued NJ SNAP Benefits. See Initial Decision at 7; see also Exhibit R-2. I agree.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the Initial Decision in this matter, and following an independent evaluation of the record, I concur with the ALJ’s decision, and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

I ORDER and direct that the Agency proceed to recoup the overissuance in accordance with the February 1, 2024 Agreement to Repay Overissued NJ SNAP Benefits.

Accordingly, based upon the foregoing, the Initial Decision in this matter is hereby ADOPTED, and the Agency’s determination is AFFIRMED as to the overissuance of SNAP benefits. Further, as I agree with the ALJ that no IPV was proven in this matter, no 12-month disqualification period, pursuant to N.J.A.C. 10:87-11.2(a)(1), shall be imposed.

Officially approved final version. June 20, 2024

Natasha Johnson
Assistant Commissioner

