



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **06573-24 C.B.**

AGENCY DKT. NO. **C130949008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") and Work First New Jersey/General Assistance ("WFNJ/GA") benefits. 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 a change in her unearned income in the form of Retirement, Survivors, and Disability Insurance ("RSDI") benefits, resulting in overissuances of SNAP and WFNJ/GA benefits which must be recouped. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 28, 2024, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ,") held a plenary hearing, took testimony, admitted documents into evidence, and the record was held open for the submission of additional documents. On July 19, 2024, the record was closed. On August 2, 2024, the ALJ issued an Initial Decision however, due to typographical errors, the Initial Decision was reissued on August 6, 2024, affirming the Agency's determinations.

No Exceptions to the Initial Decision were filed by either party.

As Assistant Commissioner, Division of Family Development ("DFD"), 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, based on the discussion below.

Eligibility for SNAP and WFNJ/GA is determined by examining an applicant's income (both earned and unearned) and resources (both countable and exempt); an applicant must report all income received by every household member and the applicant maintains the duty to report any changes in household circumstances. See N.J.A.C. 10:87-4.2, -5.2, -9.5, and N.J.A.C. 10:90-1.13, -3.1, -3.3, -3.4, -3.9, -3.10, -3.19, -3.20.

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).

Similarly, under the WFNJ regulations, a recipient is required to satisfy any repayment obligation pursuant to state or Federal law governing public assistance. See N.J.A.C. 10:90-2.2(a)(7). An overpayment of WFNJ benefits, including Emergency Assistance benefits, is subject to recoupment, "regardless of fault, including overpayments caused by administrative action or inaction and overpayments resulting from assistance paid pending hearing decisions." See N.J.A.C. 10:90-3.21(a)(1).



Here, the record reflects that Petitioner applied for SNAP and WFNJ/GA benefits on February 27, 2023, and was approved on March 29, 2023. See Initial Decision at 3; see also Exhibit R-1 at 31. During February 2024, the Agency began Petitioner's recertification/redetermination process and discovered that Petitioner had begun to receive monthly RSDI benefits during April 2023, which Petitioner never reported to the Agency. See Initial Decision at 3; see also Exhibit R-1 at 32, 35. On April 8, 2024, the Agency recalculated Petitioner's benefits, and determined Petitioner should have received substantially reduced SNAP benefits for June, 2023 through December, 2023, and that she would have become ineligible for SNAP benefits beginning January 2024. See Initial Decision at 3-4; see also Exhibit R-1 at 5, 8-10. During the same recalculation, it was determined Petitioner's WFNJ/GA benefits should have been terminated effective May, 2023, for excess income over the benefit amount for continued eligibility. See Initial Decision at 3-4; see also Exhibit R-1 at 13 and N.J.A.C. 10:90-3.6(a) and DFD Informational Transmittal 19-21 at 4 (revising the unemployable WFNJ/GA benefits level, for an assistance unit of one person, to \$277). The Agency calculated the overpayment of benefits to be \$2,216 of WFNJ/GA benefits, and \$2,127 of SNAP benefits and, by letters dated April 8, 2024, demanded repayment of same from Petitioner. See Initial Decision at 4; see also Exhibit R-1 at 3-10, 11-18.

The ALJ in this matter found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner had received overissuances of both SNAP and WFNJ/GA benefits to which she was not entitled. See Initial Decision at 3-6. Specifically, the ALJ found that, due to an IHE, Respondent had failed to report unearned income, specifically the receipt of RSDI benefits, which resulted in overissuances of SNAP and WFNJ/GA benefits to Petitioner in the combined total amount of \$4,343, for the period beginning May, 2023 through January, 2024. Ibid.; see also Exhibit R-1, and N.J.A.C. 10:87-5.4(a)(1), -9.5 and N.J.A.C. 10:90-3.21(a)(1).

Based on the evidence presented, the ALJ concluded that Petitioner's household had received overissuances of both SNAP and WFNJ/GA benefits to which it was not entitled, which must be repaid, and affirmed the Agency's demand for repayment of the overissued benefits. See Initial Decision at 7. I agree.

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

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

Officially approved final version. August 28, 2024

Natasha Johnson
Assistant Commissioner

