



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **02716-24 C.B.**

AGENCY DKT. NO. **C174679015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between September, 2021, and July, 2023. The Agency asserts that Petitioner received SNAP benefits to which she was not entitled, thereby resulting in an overissuance of benefits which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On May 10, 2024, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents into evidence, and the record then closed. On May 20, 2024, the ALJ issued an Initial Decision, affirming the Agency's overissuance, and ordering that same be repaid.

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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

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 "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 the Agency 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, 4. Specifically, the ALJ found that Respondent failed to timely provide household member J.M.'s earned income information, as well as J.M.'s unemployment, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$11,234.00, for the period beginning September, 2021, through July, 2023. Id. at 2, 3; see also Exhibits R-4, R-5, R-9 and N.J.A.C. 10:87-5.2(a)(1), -5.4(a)(1), -9.5. J.M. is Petitioner's partner, father of their common children, and a member of Petitioner's SNAP household. See Initial Decision at 2. Petitioner contended that she did not reside with J.M., however, the ALJ considered the evidence presented and concluded that Petitioner, J.M., and their children all reside at J.M.'s residence. See Initial Decision at 2, 3; see also Exhibits R-1, R-2, R-3, and R-7.



Based on the evidence presented, the ALJ concluded that Petitioner's household received an overissuance of SNAP benefits to which it was not entitled, and which must be repaid, and affirmed the Agency's determination. See Initial Decision at 4. I agree.

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

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

Officially approved final version. June 05, 2024

Natasha Johnson
Assistant Commissioner

