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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 **03785-24 M.N.**

AGENCY DKT. NO. **C427421004 (CAMDEN-CCBSS)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency asserts that Petitioner failed to accurately report the members of his household, while he received WFNJ/TANF and SNAP benefits, thereby causing Petitioner to receive overissuances of benefits to which he was not entitled between December, 2021 and December, 2022. Because Petitioner requested a fair hearing, the matter was transmitted to the Office of Administrative Law ("OAL"). The hearing initially convened on April 29, 2024, at which time Petitioner was given additional time to gather information and documentation and the hearing was adjourned. Thereafter, on May 14, 2024, the Honorable Mamta Patel, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony, and admitted documents into evidence. On May 28, 2024, the ALJ issued an Initial Decision, ordering that Petitioner repay the overissued WFNJ/TANF and SNAP benefits, for the period of December 2021 through December 2022, to the Agency.

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 determinations.

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 going back 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).

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[.]" See N.J.A.C. 10:90-3.21(a)(1).

Pursuant to N.J.A.C. 10:90-3.11(e), "WFNJ assistance units shall be required to report any change in unearned income and circumstances that could affect eligibility and the benefit amount as soon as possible to the county or municipal



agency, but in no event later than 10 calendar days of the date the change happened or in the case of new earnings no later than 10 days from the date of receipt of the first paycheck.”

Petitioner applied for WFNJ/TANF and SNAP benefits during February 2021, at which time he certified that his Assistance Unit (“AU”) consisted of himself and his two minor children. See Initial Decision at 3. During December 2022 and January 2023, the Agency received Superior Court orders reflecting that the two minor children had been residing with their mother since at least November, 2021 and potentially as early as September, 2020. See Initial Decision at 3; see also Exhibits R-7, R-16. No such change was reported by Petitioner to the Agency in this matter.

WFNJ/TANF benefits require that at least one qualifying child resides in the same household as the person receiving benefits. See Initial Decision at 1; see also N.J.A.C. 10:90-2.7(a)(1), -2.7(a)(3)(i). Upon receipt of the Superior Court’s orders of December 9, 2022 and January 25, 2023, the Agency terminated Petitioner’s WFNJ/TANF benefits as there were no qualifying children residing with Petitioner as of at least November, 2021 and potentially as early as September, 2020. See Initial Decision at 3; see also Exhibits R-7, R-16.

In addition, SNAP eligibility, as well as benefit amount, are based upon the household composition. See Initial Decision at 2; see also N.J.A.C. 10:87-2.1, -12.6. Petitioner received SNAP benefits for a household of three beginning February 2021, however, the aforementioned court orders determined the children had resided with their mother during the relevant time period. See Initial Decision at 3; see also Exhibits R-7, R-16.

Following receipt of the first Superior Court order, the Agency terminated Petitioner’s WFNJ/TANF benefits during December 2022 and, at that same time, recalculated his SNAP benefits which resulted in a reduction of benefits to reflect a household of one adult. See Initial Decision at 5; see also Exhibits R-8, R-9. Petitioner did not appeal the WFNJ/TANF termination, nor the reduction in SNAP benefits. See Initial Decision at 3.

During January 2023, the Superior Court issued a subsequent order finding that Petitioner had not had residential custody of his two minor children since September 2020. *Id.* at 4; see also Exhibit R-16. It should be noted that, although the court concluded that the two minor children had not resided with Petitioner since September, 2020, the Agency is only seeking repayment of WFNJ/TANF and SNAP benefits from December 2021 through December 2022. See Initial Decision at 4.

In February 2024, Petitioner was notified by the Agency that he had received an overissuance of WFNJ/TANF benefits in the amount of \$7,267.00, as well as an overissuance of SNAP benefits, in the amount of \$4,596.00, during the time period of December 2021 through December 2022, due to an IHE. *Id.* at 2, 4; see also Exhibits R-1, R-2. At that time, Petitioner was presented with the opportunity to repay the benefits, however, he requested a fair hearing. *Ibid.*

Here, the ALJ, having taken judicial notice of the Superior Court orders of December 2022 and January 2023, concluded that Petitioner did not have residential custody of his two minor children since at least November 2021, which would make him ineligible for WFNJ/TANF benefits, and entitled to reduced SNAP benefits for a household of one for the time period of December 2021 through December 2022. See Initial Decision at 5. Thus, the ALJ concluded that Petitioner is responsible for the overissuances of both WFNJ/TANF and SNAP benefits under N.J.A.C. 10:90-2.7(a)(1) and N.J.A.C. 10:87-11.20, respectively. See Initial Decision at 5; see also N.J.A.C. 10:90-3.21(a). I agree.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and AFFIRM the Agency determinations in this matter. I further ORDER that the Agency is directed to proceed to recoup the overissuances.

Officially approved final version. June 20, 2024

Natasha Johnson
Assistant Commissioner

