



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 **07462-24 R.B.**

AGENCY DKT. NO. **S485407014 (MORRIS CO. DIV. EMP. & TEMP ASST)**

Petitioner Agency seeks a finding that Respondent committed an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"), and to impose a twelve-month disqualification penalty from receipt of SNAP benefits. The Agency asserts that Respondent failed to accurately report household income, thus causing Respondent to receive SNAP benefits to which she was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on March 23, 2024. See Exhibits P-1, P-2. Because Respondent failed to execute and return the waiver of her right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. On June 18, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed.

On July 19, 2024, the ALJ issued an Initial Decision, which found that the Agency had not met its burden in establishing, by clear and convincing evidence, that Respondent had committed an IPV. See Initial Decision at 2, 3. Specifically, the ALJ found that, for the period beginning October, 2022, through November, 2022, although Respondent had earned income from employment, and did not report this income, which had caused her to become ineligible for SNAP benefits, there was no evidence that Respondent intentionally concealed the income. *Id.* at 2. During the months at issue, Respondent and her partner were living separately under an amicable agreement and shared custody of their minor child. *Ibid.* Both Respondent and her partner provided testimony that the income at issue was inadvertently not reported to the Agency. *Ibid.* The ALJ found the testimony of Respondent to be credible, that Respondent was a short-term beneficiary of SNAP, and that the failure to report the earned income was not intentional, nor a deliberate attempt to withhold information regarding receipt of benefits. *Ibid.* Accordingly, based upon the record presented, and because the ALJ concluded that the Agency did not present clear and convincing evidence that Respondent committed an IPV, the ALJ found that no twelve-month disqualification penalty from receipt of SNAP benefits should be imposed against Respondent. *Id.* at 2, 3; see also Exhibit P-3, P-6, P-7, P-8, P-9, P-10, and N.J.A.C. 10:87-2.2, -5.4(a), -11.2(a)(1). I agree.

Additionally, even if there is no finding of an IPV, pursuant to regulatory authority, in the instance of an overpayment of SNAP benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. In this matter, the ALJ found that Respondent's income would have rendered her household ineligible for SNAP benefits for October, 2022 and November, 2022, and that the Agency properly found an overpayment of benefits. See Initial Decision at 2; see also Exhibits P-2, P-3, P-4, and P-5. Accordingly, the ALJ affirmed the Agency's right to recoupment of the overpayment. See Initial Decision at 3. I agree with the ALJ, and note that overissuances must be repaid, regardless of fault, as any overissuance of SNAP benefits cannot result in a windfall to Respondent. See N.J.A.C. 10:87-11.20. To this end, the record reflects that



Respondent has already repaid the overissuance amount in full, making the issue of recoupment by the Agency now moot. See Initial Decision at 2.

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.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter. The Agency has already sought recoupment of the overissued SNAP benefits, which Respondent has satisfied in full. A 12-month penalty, disqualifying Respondent from receiving SNAP benefits, is not imposed.

Officially approved final version. August 06, 2024

Natasha Johnson
Assistant Commissioner

