



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 **09116-24 E.S.**

AGENCY DKT. NO. **C169958015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP.") The Agency asserts that Respondent intentionally failed to report receipt of earned income due to a return to work, 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, the charges against her, and the proposed disqualification penalty, via personal service, on June 20, 2024. See Exhibit P-1 at 1, 2-3. 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. Id. at 4-5. On July 19, 2024, the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. On August 1, 2024, the ALJ issued an Initial Decision, finding that an IPV had been committed, and ordering repayment of the overissued SNAP benefits and a 12-month disqualification from receipt of SNAP benefits.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and the record in this matter, and hereby MODIFY the ALJ's Initial Decision, based on the discussion below.

In the instance of an overpayment of SNAP 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 an overpayment resulting from an individual committing an IPV. See N.J.A.C. 10:87-11.20(e)(1). Additionally, an overpayment which result from "a misunderstanding or unintended error on the part of the household" receiving benefits, called an "Inadvertent Household Error" ("IHE,") must be repaid, as they are also subject to recoupment. 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).

The ALJ in this matter found that the Agency had met its burden in establishing, by 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 5. Specifically, the ALJ found that Respondent had committed an IPV when she intentionally did not report the receipt of earned income due to a return to work, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$5,024, for the month of October, 2022, and for the months beginning December, 2022, through July, 2023 ((\$611 per month x 4 months = \$2,444) + (\$516 per month x 5 months = \$2,580)). Id. at 2, 3, 5; see also Exhibits P-2, P-3, P-4, P-5, P-6; and N.J.A.C. 10:87-5.4(a), -9.5.



As this was the first IPV committed by Respondent, the ALJ ordered the mandatory regulatory penalty of a 12-month disqualification from receipt of SNAP benefits, pursuant to N.J.A.C. 10:87-11.2(a)(1). See Initial Decision at 6.

While I agree with the ALJ's findings, specifically, that Respondent committed an IPV of the SNAP program, thereby warranting the Agency to recoup those benefits paid to Respondent, while also warranting a 12-month disqualification from the receipt of SNAP benefits, based upon my independent review of the record, I also find that for the months of April, 2022, and May, 2022, Respondent received, as the result of an IHE, a total of \$1,068, in SNAP benefits which she was not entitled to receive, and those benefits must also be repaid. Accordingly, in addition to \$5,024 Respondent must repay, as a result of having been found to have committed an IPV, as outlined above, Respondent must also repay \$1,068 in SNAP benefits she had received as a result of an IHE. See Exhibit P-2; see also N.J.A.C. 10:87-11.20(e) (2). Accordingly, I am directing the Agency to recoup the overissued SNAP benefits paid to Respondent, in the total amount of \$6,092 (\$5,024 [for IPV] + \$1,068 [for IHE] = \$6,092). See Exhibit P-2. The Initial Decision is modified to reflect this finding.

I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby MODIFY the Initial Decision in this matter, and ORDER that Respondent is disqualified from receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version. August 28, 2024

Natasha Johnson
Assistant Commissioner

