



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **07615-24 S.H.**

AGENCY DKT. NO. **C060592005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)**

Petitioner challenges the correctness of a Supplemental Nutrition Assistance Program ("SNAP") recoupment by the Respondent Agency, due to an overissuance. The Agency asserts that Petitioner received SNAP benefits to which she was not entitled, as the result of a failure to report a change in household income in the form of earned income for both herself and her daughter, as well as unearned income in the form of Unemployment Insurance Benefits ("UIB"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 3, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ,"), held a plenary hearing, took testimony, admitted documents into evidence, and the record then closed. On July 12, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

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

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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determinations, based on the discussion below.

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).

The record in this matter shows that Petitioner was receiving SNAP benefits on behalf of herself and her daughter when, on April 6, 2021, Petitioner completed her Interim Reporting Form ("IRF"), reporting no changes to the earned income for the household, claiming Child Support Payments ("CSP") as the only income for the household, and failing to report receipt of UIB, which was later discovered through a systems detail report. See Initial Decision at 2; see also Exhibit R-1 at pages 72-74, 111-113. Petitioner completed her SNAP recertification interview in November 2021, when she reported that her child, now 18 years of age, was working at two employers, and that her only income was CSP, in direct contradiction to herself having begun working during September 2021. Ibid.; see also Exhibit R-1 at 75-77. Petitioner's SNAP benefits were thereafter terminated effective February 1, 2022, for the household income being above the maximum allowable gross income threshold for a two-person household, and in April, 2024, the Agency sent overpayment notices to Petitioner. Ibid., see also Exhibit R-1 at pages 38-45.



The ALJ found, in a very thorough opinion, that the Agency had 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 4-10. Specifically, the ALJ found that, due to an IHE, Petitioner had failed to report earned income for herself, as well as unearned income in the form of UIB, which resulted in an overissuance of SNAP benefits to Petitioner in the total amount of \$1,496, during April, 2021 and for the period of June, 2021 through August, 2021. Ibid.; see also Exhibit R-1 at pages 16, 20, 38-45, 58-62, 72-73, 79-81, and N.J.A.C. 10:87-5.4(a)(1), -9.5. The ALJ concluded that Petitioner's household had received an overissuance of SNAP benefits to which it was not entitled, which must be repaid, and affirmed the Agency's demand for repayment. See Initial Decision at 10. I agree. Further, as to Petitioner's contention that the Agency waited several years before attempting to collect the SNAP benefits overpayment, the ALJ found that the Agency's actions were timely pursuant to N.J.A.C.10:87-11.20(f)(1)(i), as the attempt to collect the overpayment occurred within the six-year timeframe. See Initial Decision at 10. I also agree.

Additionally, while I agree with the ALJ's findings, specifically, that for the period April, 2021, and June, 2021, through August, 2021, Petitioner received a total of \$1,496 in overissued SNAP benefits to which she was not entitled and which must be repaid, based upon my independent review of the record, I further find that Petitioner, for the period beginning September, 2021, through January, 2022, also received \$2,210 in overissued SNAP benefits, which also must be repaid. See Exhibit R-1 at 46-52. The ALJ did not address the overpayment of SNAP benefits for the period of September, 2021, through January, 2022, maintaining that this specific overissuance period, and the overissuance amount of \$2,210, had not been transmitted. See Initial Decision at 2. However, this appears to have been an administrative error, and as I review the entire case record entered into evidence, I find that Petitioner failed to report unearned income in the form of UIB, together with earned income from both Petitioner herself and her daughter for the period of September, 2021, through January, 2022, which, in fact, resulted in an overissuance of SNAP benefits in the amount of \$2,210, and that this overissuance must also be repaid. Id. at 4-10; see also see also Exhibit R-1 at pages 16, 20, 38-45, 58-62, 72-73, 79-81, and N.J.A.C. 10:87-5.4(a)(1), -9.5. Accordingly, the amount of overissued SNAP benefits which Petitioner received, and was not entitled to receive, and which must be repaid to the Agency, totals \$3,706 (\$1,496 + \$2,210 = \$3,706). See Exhibit R-1 at 40-45, 46-52. The Initial Decision is modified to reflect these findings.

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

Accordingly, the Initial Decision in this matter is hereby MODIFIED, and the Agency's determinations are AFFIRMED, as outlined above.

Officially approved final version. August 14, 2024

Natasha Johnson
Assistant Commissioner

