



State of New Jersey

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Governor

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 **08930-24 T.M.**

AGENCY DKT. NO. **S593385012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between July 2023 and April 2024 and Emergency Assistance ("EA") benefits between July 2023 and May 2024. The Agency asserts that Petitioner received WFNJ/TANF, EA and 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 August 20, 2024, the Honorable Mamta Patel, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 30, 2024, the ALJ issued an Initial Decision, affirming the Agency's claims, 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 reviewed the record in this matter and I hereby ADOPT the Initial Decision, and AFFIRM the Agency determination, based on the discussion below.

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 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).

Here, Petitioner submitted an application for redetermination of WFNJ benefits, as well as recertification for SNAP benefits, on May 15, 2023. See Initial Decision at 3; see also Exhibit R-11. On that application, the applicant is advised of the regulatory requirement to report certain changes within the household, including income and household composition, which could affect eligibility. Ibid.; see also N.J.A.C. 10:87-9.5. On May 16, 2023, the biological father of Petitioner's minor child was awarded primary residential custody of the child. See Initial Decision at 3; see also Exhibit R-8. Petitioner, however, did not report the change in household composition, and it was not until February 2024, that the Agency learned that Petitioner no longer had custody of the minor child. See Initial Decision at 3; see also Exhibit R-9. On May 8, 2024, an order was issued, reflecting that Petitioner and the child's biological father would share joint legal and joint residential custody of the child. See Initial Decision at 3; see also Exhibit R-10. Based on the foregoing, the Agency determined that Petitioner had received an overissuance of WFNJ/TANF benefits between July 2023 and April 2024 in the amount



of \$4,250, SNAP benefits for the same time period in the amount of \$2,413, and EA benefits for the period of July 2023, through May 2024, in the amount of \$15,047.74. See Initial Decision at 3; see also Exhibits R-4, R-5. Based on the testimonial and documentary evidence presented, the ALJ in this matter found that Petitioner had a duty to disclose the change in household, but failed to do so, and as a result, Petitioner had received benefits to which she was not entitled, which must be repaid, and as such, the ALJ affirmed the Agency's demand for repayment. See Initial Decision at 4-5; see also N.J.A.C. 10:87-11.20 and N.J.A.C.10:90-3.21. I agree.

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

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

Officially approved final version. October 03, 2024

Natasha Johnson
Assistant Commissioner

