



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
Director

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 10978-18 A.R.

AGENCY DKT. NO. C073028018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's recoupment of Supplemental Nutrition Assistance Program ("SNAP") benefits due to a purported overissuance. The Agency asserts that Petitioner received SNAP benefits to which he was not entitled, as the result of a failure to report earned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 30, 2018, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony and admitted documents into evidence.

On September 18, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner, a SNAP benefits recipient, was scheduled to begin working in May 2018. See Initial Decision at 2. As part of the recertification for SNAP benefits, the Agency requested that Petitioner provide a letter from his prospective employer. *Ibid.* The record further shows that Petitioner worked for a few months, but eventually left the job in order to care for his child when his wife returned to work. *Id.* at 3. The April 21, 2018, letter from Petitioner's former employer indicated that Petitioner began working there in May 2017. *Ibid.*; see also Exhibit 1. However, at the hearing, Petitioner's former employer testified credibly that the April 21, 2018, letter was incorrect, as Petitioner did not begin working there until May 2018. See Initial Decision at 3. The former employer provided a corrected letter confirming that Petitioner worked from May 2, 2018, to July 20, 2018. *Ibid.*, see also Exhibit 2. The Agency maintained that Petitioner was not entitled to SNAP benefits from February 2018, to May 2018, because he was working and had failed to report earned income. See Initial Decision at 2. Specifically, the Agency asserted that Petitioner's household was overissued \$510, during the period of February 2018, through May 2018. *Ibid.*; see also Exhibit 5 at 4. The ALJ found, however, that Petitioner did not work during the period of February 2018, to May 2018, and therefore, Petitioner had not been overissued SNAP benefits, and the Agency was not entitled to recoup any purported overissuance. See Initial Decision at 5. Based on the foregoing, the ALJ reversed the Agency's determination. *Ibid.*; see also Exhibit 5. I agree.

Additionally, the ALJ stated that Petitioner "does not appeal the termination for benefits effective May 2018." See Initial Decision at 5. As it now appears that Petitioner has withdrawn the request for a fair



hearing on the issue of a termination of SNAP benefits at recertification, I find the issue to now be moot and render no finding on same.

No Exceptions to the Initial Decision were received.

As the Director of the 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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is REVERSED.

Officially approved final version.

SEP 21 2018

Natasha Johnson
Director

