



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 11805-19 A.M.

AGENCY DKT. NO. C057738017 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner challenges the correctness of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that Petitioner received an overissuance of SNAP benefits to which she was not entitled, due to Petitioner receiving SNAP benefits from two states. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 28, 2019, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On November 12, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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 hereby ADOPT the ALJ's Initial Decision and AFFIRM the Agency action.

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 is caused by an action of the Agency itself, called an Agency Error ("AE"). N.J.A.C. 10:87-11.20(e)(3). 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, the ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner received an overissuance of SNAP benefits in the amount of \$665 to which she was not entitled, for the period beginning December, 2018, through March, 2019. See Initial Decision at 5; see also Exhibit R-3. The record reflects that in November, 2018, Petitioner began receiving SNAP benefits issued by Pennsylvania ("PA"). See Initial Decision at 2; see also Exhibit R-1 at 9-10. In December, 2018, Petitioner was approved for SNAP benefits in New Jersey ("NJ"). See Initial Decision at 2; see also Exhibit R-1 at 25. On December 3, 2018, Petitioner was notified by PA



that, effective November 30, 2018, she no longer qualified for SNAP benefits in that state, because she no longer resided in PA. See Initial Decision at 3. However, PA continued to issue Petitioner SNAP benefits through March, 2019. Ibid.; see also Exhibits R-1 at 9-10, R-4. The ALJ found, and Petitioner does not dispute, that she received SNAP benefits from both PA and NJ for the months of December, 2018, through March, 2019. See Initial Decision at 3. The ALJ found further that the overpayment was the result of an Agency error, specifically, that Petitioner was already receiving SNAP benefits from PA, and as such, should not have received SNAP benefits from NJ for the months of December, 2018, through March, 2019. Id. at 5.

Based on the record presented, the ALJ concluded that Petitioner was overissued SNAP benefits to which she was not entitled during the time period claimed, and as such, the Agency's demand to repay the overissuance was appropriate. See Initial Decision at 5; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:87-11.20(b), (e)(3). I agree.

Further, I find that an Agency error cannot result in a windfall to Petitioner, as receipt of an overissuance of SNAP benefits is money that Petitioner received, to which she was not entitled, and therefore, must be repaid. See Initial Decision at 5; see also N.J.A.C. 10:87-20(b). As such, I direct that the Agency proceed to recoup the overissuance.

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

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

Officially approved final version. NOV 15 2019

Natasha Johnson
Assistant Commissioner

