



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 18009-18 B.E.

AGENCY DKT. NO. C129674015 (OCEAN 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 SNAP benefits to which she was not entitled, as the result of a failure to timely report household earned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing in this matter was originally scheduled for January 18, 2019, but adjourned at Petitioner's request. The matter was rescheduled, and on January 22, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On February 4, 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 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, 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 to which she was not entitled. See Initial Decision at 4. Specifically, Petitioner did not report her earned income, which resulted in an overissuance of SNAP benefits to Petitioner in the amount of \$800, from January 2013, through April 2013. *Id.* at 2-3, 4; see also Exhibits R-2 at 1-3, R-3 at 4, and N.J.A.C. 10:87-5.2(a)(1),



-5.4(a)(1), -9.5. Based on the record presented, the ALJ concluded that the Agency's determination that Petitioner was overissued SNAP benefits during the time period claimed was proper, and that the resulting notice to repay the overissuance, was therefore appropriate. See Initial Decision at 4-5; see also Exhibit R-4, and N.J.A.C. 10:87-11.20(b), (e)(3). I agree.

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.

FEB 07 2019

Natasha Johnson
Director

