



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 09148-19 D.F.

AGENCY DKT. NO. C055186008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's recoupment of Supplemental Nutrition Assistance Program ("SNAP") benefits due to an overissuance. The Agency asserts that Petitioner received SNAP benefits to which she was not entitled as the result of an administrative error. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 26, 2019, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On August 1, 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 ("DFD"), Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

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." See 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, due to an error made by the Agency, Petitioner received an overpayment of \$1,305 in SNAP benefits, for the period beginning December 2018, through February 2019. See Initial Decision at 2-3; see also Exhibit R-1 at 33-36, 37, 53, 54-57. The record shows that, at the time of Petitioner's initial application for SNAP benefits, the only income attributed to Petitioner's household was her spouse's Unemployment Insurance Benefits ("UIB"). See Initial Decision at 2; see also Exhibit R-1 at 8. The record further reflects that the Agency had erroneously budgeted Petitioner's monthly household income as \$681, which was the amount of UIB her spouse receives per week, not per month. See Initial Decision



at 2; see also Exhibit R-1 at 8, 22. Petitioner's actual monthly household income, using the weekly UIB amount of \$681, was \$2,951 ($\$681 \times 4.333 = \$2,951$). See Initial Decision at 2; see also Exhibit R-1 at 32. After the Agency discovered the error, Petitioner's SNAP benefits were terminated, effective March 1, 2019, because the household income exceeded the maximum allowable net income level for a household of Petitioner's size. See Initial Decision at 2; see also Exhibit R-1 at 28-29, 32, N.J.A.C. 10:87-6.9, -12.3, and DFD Instruction ("DFDI") No. 18-09-01 at 15. Thereafter, on June 17, 2019, the Agency sent Petitioner a repayment notification for the overissued SNAP benefits in the amount of \$1,305. See Initial Decision at 2; see also Exhibit R-1 at 54-58.

While Petitioner and her spouse assert that the overissuance was a result of an error of the Agency's, and that they should not be required to repay same, the ALJ correctly found that the Agency is required to collect on all claims for overpayments, including Agency Errors. See Initial Decision at 2, 4. I agree, and note that overissuances must be repaid, regardless of fault, as any overissuance of SNAP benefits cannot result in a windfall to Petitioner. See N.J.A.C. 10:87-11.20.

As such, I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision, AFFIRM the Agency determination and ORDER the Agency to recoup the overissuance.

Officially approved final version.

AUG 20 2019

Natasha Johnson
Director

