



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
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 02202-19 L.G.

AGENCY DKT. NO. C024822017 (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 SNAP benefits to which she was not entitled, as the result of an agency error. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 11, 2019, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On March 14, 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 to which she was not entitled. See Initial Decision at 3, 5. Specifically, due to an administrative error, the Agency did not include Supplemental Security Income ("SSI") benefits, received by Petitioner's child, in its calculation of Petitioner's SNAP benefits amount at recertification in May 2016, despite Petitioner's disclosure of same, which resulted in an overissuance of SNAP benefits to Petitioner in the amount of \$221, from June 2016, through October 2016. Id. at 2, 3; see also Exhibit R-1 at 5, 30, and N.J.A.C. 10:87-5.2(a)



(1), -5.5(a)(1), -9.5. Petitioner does not dispute that she was overissued SNAP benefits, but maintains that she had disclosed the SSI unearned income, and that she should not be responsible to repay the overissuance which was the result of an AE. See Initial Decision at 3, 4. 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 4; see also Exhibit R-1 at 1-4, 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.

MAR 21 2019

Natasha Johnson
Director

