



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 14069-18 T.T.

AGENCY DKT. NO. C069813008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner challenges the correctness of a recoupment of Supplemental Nutrition Assistance Program ("SNAP") benefits by the Respondent Agency's due to an overissuance. The Agency asserts that Petitioner received SNAP benefits, to which she was not entitled, as the result of a failure to maintain a separate household. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was originally scheduled for October 26, 2018, but was adjourned to allow time for Petitioner to submit additional documentation, and for the Agency to produce its investigator to testify. On December 14, 2018, the Honorable Jeffrey R. Wilson, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony and admitted documents into evidence. On December 21, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed by either party.

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.

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, during the time period in question, Petitioner received SNAP benefits for herself and three children. See Initial Decision at 2; see also Exhibit R-1 at 8, 13. However, after an investigation by the Agency, it was determined that the father of one of Petitioner's children also resided in the household from January 2011, through October 2011, while Petitioner was receiving SNAP benefits, and had earned income during that period which would be attributed to the household's income for SNAP eligibility purposes. See Initial Decision at 5; see also Exhibit R-1 at 3, 36. Based on the evidence



presented, the ALJ concluded that father of one of Petitioner's children did, in fact, live with Petitioner and her children from January 2011, through October 2011, that his earned income should have been attributed to the household's income for SNAP eligibility purposes, and as a result, Petitioner received on overissuance of benefits in the amount of \$3,403 to which she was not entitled. See Initial Decision at 5, 6; see also Exhibit R-1 at 9-12, 36, and N.J.A.C. 10:87-2.2, -11.20. I agree.

By way of comment, in accordance with applicable regulatory authority, only one adjournment of no more than 30 days is permitted in SNAP cases. See 7 C.F.R. 273.15(c)(4), N.J.A.C. 10:87-8.6(a)(4), (i), N.J.A.C. 1:10-9.1(a), (b).

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

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

Officially approved final version.

JAN 11 2019

Natasha Johnson
Director

