



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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CAROLE JOHNSON  
*Commissioner*

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*Lt. Governor*

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 00051-20 J.C.

AGENCY DKT. NO. C153497020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency asserts that Petitioner's household received SNAP and WFNJ/TANF benefits to which it was not entitled, resulting in overissuances of benefits which must be recouped. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. The matter was initially scheduled for a hearing on January 17, 2020, but was adjourned. The case was rescheduled, and on February 26, 2020, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 11, 2020, the ALJ issued an Initial Decision affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and AFFIRM the Agency determination.

In the instance of an overpayment of SNAP benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. A 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).

Similarly, under the WFNJ regulations, a recipient is required to satisfy any repayment obligation pursuant to state or Federal law governing public assistance. See N.J.A.C. 10:90-2.2(a)(7). An overpayment of WFNJ benefits, including Emergency Assistance benefits, is subject to recoupment, "regardless of fault, including overpayments caused by administrative action or inaction[.]" See N.J.A.C. 10:90-3.21(a)(1).



Petitioner applied for SNAP and WFNJ/TANF benefits, and reported that her household consisted of herself and two children. See Initial Decision at 2. Thereafter, the Agency became aware that when Petitioner were issued SNAP and WFNJ/TANF benefits, one of the children had lived with the child's biological father, and not with Petitioner. Id. at 2-3, 6; see also Exhibit R-2. On or around August, 2019, the Agency began an investigation into Petitioner's household, specifically, to determine if both children had lived with Petitioner. See Initial Decision at 5; see also Exhibit R-2. As a result of its investigation, the Agency concluded that one of Petitioner's children resided with the biological father from 2010, through 2017, and that Petitioner misrepresented that that child was a member of her household when she applied for, and received, SNAP and WFNJ/TANF benefits. See Initial Decision at 5-6; see also Exhibit R-2 at 1.

The ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner had made false statements by alleging that one of her children lived with her, when in fact, the child lived with the biological father. See Initial Decision at 5, 7, 9; see also Exhibit R-2, N.J.A.C. 10:87-2.1, -2.2(a), -3.2(a), and N.J.A.C. 10:90-2.7(a)(1). The ALJ concluded that, as a result of Petitioner's false statements, she received an overissuance of WFNJ/TANF benefits in the amount of \$1,223.75, for the period beginning April, 2015, through December, 2015, and August, 2016, through October, 2016, and SNAP benefits in the amount of \$2,271 for the period beginning November, 2016, through January, 2017, which must be repaid. See Initial Decision at 6, 11, and Exhibits R-3, R-4, R-5, and N.J.A.C. 10:87-11.20(e)(2), N.J.A.C. 10:90-3.21(a)(1). I agree.

I ORDER and direct the Agency to proceed to recoup the overissuances.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED.

Officially approved final version. MAY 14 2020

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Natasha Johnson  
Assistant Commissioner

