



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
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 06309-20 J.H.

AGENCY DKT. NO. C051893013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner challenges the correctness of the Respondent Agency's claim for recoupment of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency asserts that Petitioner received SNAP benefits to which he was not entitled as the result of an administrative error, and that the overissuance must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 20, 2020, the Honorable Mary Ann Bogan, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. On September 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 MODIFY the Initial Decision and AFFIRM the Agency determination, based on the discussion below.

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 "administrative error." 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. N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the record reflects that Petitioner receives Retirement, Survivors and Disability Insurance ("RSDI") benefits from two separate claims, and in August, 2015, Petitioner provided information to the Agency with respect to the amount he receives from both claims. See Initial Decision at 2; see also July 27, 2015, letters to Petitioner from the Social Security Administration. However, due to Agency error, only the amount of one claim was budgeted towards the calculation of Petitioner's monthly SNAP benefit allotment. See Initial Decision at 2. Of note, as a result of the Agency's error, Petitioner's monthly SNAP



benefit allotment increased, from the minimum amount for a household of one person in 2015, \$16, to \$153. See Payment History printouts. This error was not discovered for several years, until the missing RSDI benefits were budgeted back into Petitioner's SNAP benefit for September, 2019, thus reducing Petitioner's monthly SNAP benefit allotment back to the minimum amount for a household of one person, \$15. Ibid. The Agency error, between September 2015, and August 2019, resulted in an overissuance of SNAP benefits to Petitioner in the amount of \$6,140.52. See "Important Notice to Repay Overissue NJ SNAP benefits" dated May 12, 2020. It is undisputed that Petitioner provided the Agency with correct information pertaining to the two RSDI claim amounts every year, but the Agency error continued undiscovered during the period in question. See Initial Decision at 4. Based on the record presented and applicable regulatory authority, the ALJ concluded that the Agency's determination that Petitioner was overissued SNAP, to which he was not entitled during the time period claimed, was proper, and therefore must be upheld. See Initial Decision at 4-5; see also N.J.A.C. 10:87-11.20(b), (e)(3). I agree, but modify the Initial Decision to reflect the proper overissuance amount of \$6,140.52. See "Important Notice to Repay Overissue NJ SNAP benefits" dated May 12, 2020, and ABACUS printout.

Further, I find that an Agency error cannot result in a windfall to Petitioner, as receipt of an overissuance of SNAP benefits is money that Petitioner received, to which he was not entitled, and therefore, must be repaid. See Initial Decision at 4; see also N.J.A.C. 10:87-11.20(b). As such, I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, the Initial Decision is MODIFIED, and the Agency determination is hereby AFFIRMED, as outlined above. The Agency is furthermore ORDERED to recoup the overissuance.

Officially approved final version.

SEP 29 2020

Natasha Johnson

Assistant Commissioner

