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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 **09466-24 A.M.**

AGENCY DKT. NO. **C060703017 (SALEM COUNTY BOARD OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between March, 2021, and August, 2021, as well as February 2024. The Agency asserts that Petitioner received SNAP benefits to which he was not entitled, thereby resulting in an overissuance of benefits which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On November 25, 2024, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents into evidence, and the record then closed. On December 4, 2024, the ALJ issued an Initial Decision, affirming the Agency's overissuance, and ordering that same be repaid.

Exceptions to the Initial Decision were received from Petitioner on December 18, 2024.

As Assistant Commissioner, 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's 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 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 amounts up to six years prior to the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, Petitioner's wife, C.J., applied for SNAP benefits on March 18, 2021, on behalf of her household, consisting of herself and her two children. See Initial Decision at 2; see also Exhibit R-1 at 28-42. Following her application, C.J. was sent a notice from the Agency, stating that Agency records revealed that Petitioner, A.M., was living in the household and requesting that C.J. amend her SNAP application by completing and submitting an application addendum. Id. at 2; see also Exhibit R-1 at 43-47. C.J. completed the application addendum on March 30, 2021, and added A.M. to her SNAP case. Id. at 2; see also Exhibit R-1 at 48-49. Following the submission of the addendum, the Agency received a letter from Petitioner stating that he resides with his father in Newark and not with his wife, C.J. Id. at 2; see also Exhibit R-1 at 50. An investigation referral followed and a July 13, 2021, investigation concluded that Petitioner was residing with C.J. and their children and that he needed to be included in the SNAP household. Id. at 2; see also Exhibit R-1 at 51-55. On July 20, 2021, C.J. added Petitioner to her SNAP application. Id. at 2; see also Exhibit R-1 at 56. On July 27, 2021, the Agency informed C.J. that her SNAP case would close on September 1, 2021, due to her failure to provide requested information.



Id. at 2; see also Exhibit R-1 at 58-61. On August 31, 2021, C.J. submitted Petitioner's paystubs and, at that time, the Agency determined that the household was ineligible for SNAP benefits due to being over income. See Initial Decision at 3; see also Exhibit R-1 at 62. On August 31, 2021, C.J. was sent a notice by the Agency that her SNAP benefits would terminate effective September 1, 2021. Id. at 3; see also Exhibit R-1 at 63-64. Following receipt of the termination notice, C.J. requested a fair hearing, however, she withdrew that appeal on September 21, 2021. Id. at 3; see also Exhibit R-1 at 65.

On February 22, 2024, C.J. reapplied for SNAP benefits on behalf of herself and her two children. See Initial Decision at 3, see also Exhibit R-1 at 66-83. SNAP benefits began in March 2024 and lasted for two months. Id. at 3. C.J. failed to provide the Agency with verification of cash support received from Petitioner and the Agency referred the matter for investigation to determine if A.M. was still residing with C.J. Id. at 3; see also Exhibit R-1 at 84-85. Following the Agency's investigation, the Agency determined that Petitioner was a member of the household and needed to be added to the SNAP case. Id. at 3; see also Exhibit R-1 at 105. On June 6, 2024, overpayment calculations were completed by the Agency and the overpayment amounts from March 2021 through August 2021 were determined to total \$3,696, and the total overpayment for February 2024 was determined to be \$995. Id. at 3; see also Exhibit R-1 at 130-154.

The Agency investigator testified, at length, regarding the investigation into whether Petitioner resides at the Salem County address with C.J. and their children, including providing information gathered during sixteen separate visits to the address from March through May, 2024. See Initial Decision at 3-5; see also Exhibit R-1 at 93, 104-106, 110-111, 115, 118, 123, and 134.

Petitioner testified that he and C.J. purchased the Salem County property together in January 2021, however, he testified that he has never lived at the home, that he resides with his father in Newark, and that he provides all means of financial support for his wife and two children including paying the mortgage, utilities, taxes, and providing C.J. with spending money for other expenses. See Initial Decision at 5.

The ALJ found that Petitioner failed to meet his burden, by a preponderance of the credible evidence, that he maintains a separate household from C.J. See Initial Decision at 5. The ALJ found that Petitioner is married to C.J., they share two children, and they reside together at the Salem County residence which was jointly purchased during January 2021. Ibid. Further, C.J. added A.M. to her SNAP household, and based upon his income, the household was found to be ineligible for receipt of SNAP benefits. Ibid. Therefore, the ALJ found that the Agency met its burden in establishing, by a preponderance of the credible evidence, including the testimony and evidence provided by the Agency investigator, that Petitioner is a member of C.J.'s household, and that their household received an overissuance of SNAP benefits to which they were not entitled. See Initial Decision at 8. Specifically, the ALJ found that Petitioner failed to timely include household member A.M.'s information, as well as earned income information, which resulted in an overissuance of SNAP benefits to Petitioner in the amount of \$4,691, for the period beginning March, 2021 through August, 2021, as well as February, 2024. Id.; at 8; see also Exhibit R-1 at 93, 104-106, 110-111, 115, 118, 123, 134 and N.J.A.C. 10:87-5.2(a)(1), -5.4(a)(1), -9.5.

Based on the testimony and evidence presented, the ALJ concluded that Petitioner's household received an overissuance of SNAP benefits to which it was not entitled, and which must be repaid, and affirmed the Agency's determination. See Initial Decision at 8. I agree.

By way of comment, I have reviewed the Exceptions submitted by Petitioner in this matter, and find that the arguments made therein do not alter my decision in this matter.

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.

January 28, 2025

Natasha Johnson

Assistant Commissioner

