



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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*Commissioner*

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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 **08810-24 C.M.**

AGENCY DKT. NO. **C232595020 (UNION COUNTY DIVISION 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 November 2022, and October, 2023. The Agency asserts that Petitioner's household received SNAP benefits to which it was not entitled, thereby resulting in an overissuance of benefits which must be repaid. On October 24, 2024, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony, and admitted documents. On November 20, 2024, 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, 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. Overpayment claims are considered federal debts, which must be established and collected. See N.J.A.C. 10:87-11.2(b). 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 going back 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).

"Every NJ SNAP application shall be made on behalf of a household. It is critically important to determine exactly who constitutes the household for NJ SNAP since all considerations of eligibility will follow from this initial determination." See N.J.A.C. 10:87-2.1. Further, N.J.A.C. 10:87-2.2(a) states, "A household may be composed of any of the following individuals or groups of individuals ... [a] group of individuals living together for whom food is purchased in common and for whom meals are prepared together for home consumption[.]" See N.J.A.C.10:87-2.2(a)(3).

In order to determine eligibility for SNAP benefits, mandatory verification of certain information is required, such as household income, both earned and unearned income, as well as residency. See N.J.A.C. 10:87-2.19, -2.20.

Here, the record reflects that, based on Agency's review of Petitioner's income through applicable database resources, the Agency determined that Petitioner had not fully disclosed employment and earnings to the Agency. See Initial



Decision at 2. It was further determined that, while Petitioner had listed five persons in his SNAP household, in fact, there were six additional persons residing with Petitioner. Ibid. In order to determine a household's eligibility for SNAP benefits, all income, as well as the household composition, must be known and are factored into the eligibility calculations. See N.J.A.C. 10:87-6.16. At the hearing, Petitioner acknowledged that he had income from a particular employer which had not been disclosed. See Initial Decision at 2. Additionally, Petitioner explained that he had voluntarily allowed two homeless families to stay in this home, provided them with shelter and food, but their presence in the residence had not been disclosed to the Agency as part of the SNAP household. Ibid. As a result of the failure to properly report all earned income, as well as failing to accurately report the household composition, the ALJ concluded that Petitioner's household had received an overpayment of \$13,811 to which he was not entitled, from November 2022 to October 2023, which must now be repaid. Id. at 2-4; see also Exhibit R-1, and N.J.A.C. 10:87-11.20(b), (e)(2). Based on an independent review of the record, I agree. As such, I direct that the Agency proceed to recoup the overissuance.

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

Officially approved final version. January 14, 2025

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Natasha Johnson  
Assistant Commissioner

