



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **10315-25 C.T.**

AGENCY DKT. NO. **C285894020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's notice to repay Supplemental Nutrition Assistance Program ("SNAP") benefits that were allegedly overpaid to Petitioner. The Respondent Agency maintains that Petitioner received SNAP benefits to which she was not entitled, as a result of her failure to accurately report her residence. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On August 11, 2025 the Honorable Irene Jones, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, admitted documents into evidence, and the record was closed. The record reopened for the submission of additional documents and closed on September 15, 2025. On September 16, 2025 the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD,") Department of Human Services, I have reviewed the record in this matter, and I hereby MODIFY the Initial Decision, and REVERSE 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 results from "an action or failure to take action by the [Agency]," called an "Agency Error" ("AE"). See N.J.A.C. 10:87-11.20(e)(3).

Pursuant to the regulatory authority of N.J.A.C. 10:87-2.2, for purposes of SNAP, a household is defined, and the regulations state in N.J.A.C. 10:87-2.2(c), "In no event shall nonhousehold member status or separate household status be granted to: 1. Parents and their biological, adopted or stepchildren (excluding foster children) under the age of 22 who reside together, regardless of the marital status or having a child of their own. The biological parent-child relationship takes precedence unless there has been a termination of parental rights. Legal custody does not in and of itself terminate parental rights, in which case the legal relationship between the biological parent and the child would still exist even though another person(s) has been awarded legal custody of the child." Further, N.J.A.C. 10:87-2.2(c)(2)(ii) states "An individual between the ages of 18 and 22, not living with his or her biological, adoptive or stepparent, who is married and/or has a child of his or her own, and is not financially dependent on a member of the household, and prepares and eats his or her meals separate and apart from other members residing in the household, may, for NJ SNAP purposes, be considered a separate household."



An independent review of the record reveals that the Agency maintained that Petitioner was ineligible for the receipt of SNAP benefits at the time her application for benefits was approved because she was under the age of 22. See Initial Decision at 2; see also Exhibit R-1 at 1. Petitioner received SNAP benefits from September, 2023 through July, 2024 in the amount of \$2,536.58. Ibid. Due to Petitioner's age, the Agency presumed that Petitioner was residing with her parents during the time period in question. Ibid. At the time of the hearing, Petitioner testified that she did not reside with her parents during the time she received SNAP benefits, but that she did utilize her parent's address on her SNAP application. See Initial Decision at 2. Petitioner submitted two affidavits in support of her testimony, which indicated that she resided with one individual, Y.M., from April, 2023 through November, 2023 and another individual, C.S., from December, 2023 through September, 2024. Ibid.; see also Exhibit P-1.

Based upon the evidence presented, I am satisfied that Petitioner, who was under the age of 22 at the time of her application for SNAP benefits, together with her daughter, were a separate household, not residing with Petitioner's parents during the time she received SNAP benefits, and as such, there was no Agency error and no overissuance occurred in this matter. See N.J.A.C. 10:87-2.2(c)(2)(ii). The Initial Decision is modified to reflect the above findings.

By way of comment, Petitioner is reminded that she must report any changes in residence within 10 days. See N.J.A.C. 10:87-9.5(b)(1)(iv); see also N.J.A.C. 10:87-2.20(c) (stating that SNAP applicants are responsible to disclose all facts regarding their individual circumstances).

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, as outlined above.

Officially approved final version. October 30, 2025

Natasha Johnson
Assistant Commissioner

