



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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 **05375-25 D.H.**

AGENCY DKT. NO. **C051560017 (SALEM COUNTY BOARD OF SOC. SVCS.)**

Petitioner challenges the correctness of the Agency's claims for recoupment of overissuances of Work First New Jersey/ Temporary Assistance to Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that for the period beginning July, 2024, through August, 2024, Petitioner received WFNJ/TANF benefits to which she was not entitled, and for the period beginning July, 2024, through December, 2024, Petitioner received SNAP benefits to which she was not entitled, which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 21, 2025, the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"), took testimony from Petitioner, findings were made and the matter was resolved with Petitioner withdrawing her appeal on the record. On May 5, 2025, the ALJ issued an Initial Decision, affirming the withdrawal of Petitioner's appeal and affirming the Agency's acknowledgement that the recipient SNAP claim would be entered as an Agency Error ("AE"), rather than an Inadvertent Household Error ("IHE"), in the amount of \$3,091, and the recipient WFNJ/TANF claim would be entered in the amount of \$371.

No Exceptions to the Initial Decision were filed.

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 action, 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 "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). Another 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). 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); see also 7 C.F.R. 273.18.

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).



Here, the record reflects that Petitioner was in receipt of WFNJ/TANF and SNAP benefits, when the Agency alleged that she failed to accurately report her household income, asserted a SNAP IHE, and a TANF overissuance, and sought repayment of benefits. See Initial Decision at 2-3. Thereafter, the Agency amended the asserted IHE to an AE and made appropriate reductions to the amount of both claims. Ibid. Upon the Agency amending to an AE and reducing the claimed amounts, Petitioner agreed, and sought to withdraw her appeal. Ibid. Pursuant to N.J.A.C. 1:10-1.1(a) and N.J.A.C. 1:1-19.2, the ALJ found that a hearing was not required, in matters involving an IHE or AE, nor a TANF overissuance, when the claim is stipulated to by both parties and the amount is uncontested. See Initial Decision at 3-4. Based upon the parties' appearance, the ALJ found Petitioner to have, under oath, knowingly, intelligently, and voluntarily waived her right to a hearing, thereafter accepting her request to withdraw her appeal, and accepting the parties' agreement to impose a claim, based upon AE, in the amount of \$3,091 and a claim, based upon TANF overissuance, in the amount of \$371. See Initial Decision at 3-4.

In accordance with applicable regulatory authority, when an overpayment is discovered by the Agency, whereby a SNAP benefits recipient received benefits to which they were not entitled, the overissuance must be repaid, regardless of fault. See N.J.A.C. 10:87-11.20. Petitioner is responsible for the overissuances of both WFNJ/TANF and SNAP benefits under N.J.A.C. 10:90-2.7(a)(1) and N.J.A.C. 10:87-11.20, respectively. See also N.J.A.C. 10:90-3.21(a). Therefore, I ORDER and direct that the Agency proceed to recoup the overissuance, in accordance with the terms of the resolution in this matter.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter. As Petitioner has withdrawn her appeal in this matter, and has agreed to the claim amount and terms for repayment of same, I find that no contested case remains and the matter is thereby DISMISSED.

Officially approved final version. May 20, 2025

Natasha Johnson
Assistant Commissioner

