



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 17875-24 E.S.

AGENCY DKT. NO. C056638017 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner challenges the correctness of the Agency's claim for recoupment of an overissuance of Supplemental Nutrition Assistance Program ("SNAP") benefits. Respondent Agency asserts that for the period beginning September, 2023, through October, 2024, Petitioner received SNAP benefits to which she was not entitled, and which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing in this matter was initially scheduled for February 3, 2025. Petitioner requested time to seek legal counsel and the matter was rescheduled to February 13, 2025. A hearing date of February 26, 2025, was also adjourned and the matter was rescheduled to April 3, 2025. On April 3, 2025, the parties appeared telephonically before the Honorable Robert D. Herman, Administrative Law Judge ("ALJ"), and following a brief discussion, the matter was resolved and Petitioner withdrew her appeal on the record. On April 14, 2025, the ALJ issued an Initial Decision, affirming the withdrawal of Petitioner's appeal and affirming the Agency's acknowledgement that the recipient claim would be entered as an Agency Error ("AE"), rather than an Inadvertent Household Error ("IHE"), in the amount of \$6,397.

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.

Here, the record reflects that Petitioner was in receipt of SNAP benefits, when the Agency alleged that she failed to accurately report her household income, asserted an IHE, and sought repayment of issued benefits in the amount of \$6,572. See Initial Decision at 2. Thereafter, Petitioner presented a defense based upon her understanding of the Agency's WFNJ-1J form, and, in response, the Agency amended the asserted IHE to an AE and made appropriate reductions to the amount of the claim. See Initial Decision at 2-3. Upon the Agency amending to an AE and reducing the



claim amount, 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, when the claim is stipulated to by both parties and the amount is uncontested. See Initial Decision at 2, 6-7. 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 \$6,397. See Initial Decision at 3, 7.

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. 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

