



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 13299-25 G.B.

AGENCY DKT. NO. C297558020 (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 June 2024 and June 2025. The Agency asserts that Petitioner received SNAP benefits to which she was not entitled, thereby resulting in the 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 October 17, 2025, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents into evidence, and the record remained open for the submission of additional documentation. The record was closed on October 27, 2025. On October 28, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination as to the overissuance of SNAP benefits, but modifying the total amount due.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 MODIFY the Agency determination, based on the discussion below.

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 up to six years following the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the record reflects that Petitioner received SNAP benefits from June, 2024 through June, 2025, and that, based upon an Out-of-State EBT Usage Report, the Agency received information that almost all of Petitioner's SNAP benefits purchases were made in New York. See Initial Decision at 2-4; see also Exhibits R-1, R-2. On July 3, 2025, the Agency notified Petitioner that she had been overissued SNAP benefits to which she was not entitled because there had been an unreported change of residence. See Initial Decision at 4; see also Exhibit R-3. Petitioner sent the Agency a letter disputing the overissuance on July 17, 2025. See Initial Decision at 4-5; see also Exhibit R-1. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. Based on the testimonial and documentary evidence provided, the ALJ found that Petitioner's testimony was not credible. See Initial Decision at 5-9. Accordingly, the ALJ found that Petitioner did not reside within New Jersey at the time of her receipt of SNAP benefits, and concluded that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner had received an overissuance SNAP benefits. See Initial Decision at 9; see also N.J.A.C. 10:87-5.4(a)(1), -9.5, -11.20 and N.J.A.C.



10:90-2.11(a)(1), -3.21(a)(1), (2), (3). I agree. The ALJ, however, modified the amount due based upon the documentary evidence presented and found that Petitioner was overissued SNAP benefits in the amount of \$3,501, for benefits paid from July, 2024 through June, 2025, and that such overissuance must now be repaid.

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 MODIFIED, as outlined above.

Officially approved final version. November 25, 2025

Natasha Johnson
Assistant Commissioner

