



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*Lt. Governor*

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 **14149-25 J.M.**

AGENCY DKT. NO. **C050448019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV"), as defined by N.J.A.C. 10:87-11.3 and 7 C.F.R. 273.16(c), of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent received SNAP benefits from another state, while simultaneously receiving SNAP benefits from the State of New Jersey, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, on June 30, 2025. See Exhibit R-1; see also N.J.A.C. 10:87-11.5(a)(3)(i) and 7 C.F.R. 273.16(e)(3)(i). Because Respondent failed to execute and return the waiver of her right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. On September 16, 2025 the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. Respondent did not appear for the hearing, and the matter proceeded ex parte, which is permissible pursuant to regulation. See N.J.A.C. 1:10-14.1(d), N.J.A.C. 10:87-11.5(a)(4)(i), and 7 C.F.R. 273.16(e)(4). Respondent was given ten days following the hearing, to present good cause for her failure to appear. See 7 C.F.R. 273.16(e)(4). Respondent did not respond.

At the hearing, the Agency determined that it could not establish by clear and convincing evidence that Petitioner was aware that her household member was receiving SNAP benefits from another state while simultaneously receiving SNAP benefits in New Jersey, and as such the Agency rescinded the IPV allegation as to Petitioner, however proceeded with respect to the overissuance of benefits. See Initial Decision at 2.

On October 2, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination as to the overissuance of SNAP benefits. See Initial Decision at 5. 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, and differs from an IPV, 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 up to 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).

Here, Petitioner's household applied for SNAP benefits, on September 6, 2022, for a household of four. See Initial Decision at 3; see also Exhibit R-1. Thereafter, the Agency became aware that Petitioner's husband was also receiving SNAP benefits in New York, which was verified with the appropriate state agency. Ibid. Petitioner's household never disclosed the receipt of duplicative benefits, which continued through January 31, 2023, when Petitioner's husband was removed from the SNAP household and the New York SNAP benefits were terminated. Ibid. The Agency determined that



Petitioner's household was overissued SNAP benefits in the amount of \$973 from February 1, 2022 through January 31, 2023. Ibid. Thereafter, a recoupment of benefits was commenced on December 1, 2024, whereby 10% of the household's SNAP benefits were withheld to repay the overissuance. Ibid. The recoupment continued until August 31, 2025, as the household's SNAP case closed on September 1, 2025, due to a missed recertification for benefits appointment, with a remaining balance due of \$490. See Initial Decision at 3-4. On September 2, 2025, Petitioner informed the Agency the household was leaving New Jersey. See Initial Decision at 4.

Based upon the foregoing, the ALJ concluded that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner had received an overissuance of SNAP benefits to which she was not entitled, which must now be repaid. See Initial Decision at 4-5; see also N.J.A.C. 10:87-5.4(a)(1), -11.20. Based on an independent review of the record, I agree with the ALJ's conclusions in this matter that the overpayment of SNAP benefits to Petitioner occurred due to an IHE, rather than an IPV, and thus no disqualification period shall be imposed upon Petitioner, pursuant to N.J.A.C. 10:87-11.1(a) and -11.2(a)(1).

No Exceptions to the Initial Decision were filed.

Accordingly, as Assistant Commissioner, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and MODIFY the Agency's determination as to the overissuance of SNAP benefits from an IPV to an IHE. Further, as I agree with the ALJ that no IPV was proven in this matter, no 12-month disqualification period, pursuant to N.J.A.C. 10:87-11.2(a)(1), shall be imposed. Therefore, I ORDER and direct that the Agency proceed to recoup the balance of the overissuance of any benefits that were issued from February, 2022 through January, 2023.

Officially approved final version. November 26, 2025

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Natasha Johnson  
Assistant Commissioner

