



State of New Jersey

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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 **11913-25 J.W.**

AGENCY DKT. NO. **S478122014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between June, 2021 through September, 2021 and from May, 2023 through June, 2023. 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 August 7, 2025, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony, admitted documents into evidence, and the record was closed. On August 15, 2025, the ALJ issued an Initial Decision, affirming 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 considered the ALJ's Initial Decision, and following an independent review of the record, I hereby MODIFY the ALJ's Initial Decision, and MODIFY the Agency actions, 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 reveals that a wage database report indicated that Petitioner had earned income for the second and third quarters of 2021, which would have exceeded the maximum allowable gross income in effect at the time of \$1,968, for SNAP benefits eligibility during the months of June, 2021 through September, 2021, thus making Petitioner ineligible for such benefits during those months. See Initial Decision at 2; see also Exhibit R-1 and DFD Instruction ("DFDI") No. 20-09-04 at 13. In addition, an employer wage statement reflected Petitioner's wages for 2023, and it was determined that, while the income during May, 2023 and June, 2023 did not exceed the maximum allowable gross income of \$2,096 in effect at that time for SNAP benefits during those months, Petitioner was eligible only for the minimum amount for the household size of \$23, and as such, Petitioner received an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 2-3; see also Exhibit R-1 and DFDI 22-09-02 at 14. Based upon the Overissuance Summary submitted by the Agency, the Agency calculated that Petitioner had a total overissuance of \$1,332, consisting of overpayments of SNAP benefits of \$204 monthly for the months of June, 2021 through September, 2021 as well as \$258 monthly for the months of May, 2023 and June, 2023. See Initial Decision at 3. The ALJ in the present matter found 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 3-4; see also N.J.A.C. 10:87-5.4(a)(1), -9.5, -11.20. I agree as to the finding of the overissuance, however, a review of the official records of this office indicate that, due to policies in place in response to the COVID-19 pandemic, the maximum SNAP allotments were raised for all households between January 2021 and September 2021. See DFDI 21-07-01. For Petitioner's household size of one person, that amount was raised from \$204 to \$234 for those months, and the record in this case substantiates that Petitioner did, in fact, receive total SNAP benefits in the amount of \$234 during the months of June, 2021 through September 2021. Ibid.; see also Exhibit R-1. As Petitioner's gross income was determined to exceed the maximum allowable gross income threshold of \$1,968 during that time period, Petitioner received a total overissuance for that time period of \$936 (\$234 x 4). As to the May, 2023 and June, 2023 overissuances, New Jersey implemented a SNAP State Minimum Benefit of \$95 effective March, 2023, such that households eligible for less than \$95 a month in SNAP benefits, would receive the State Minimum Benefit of \$95. See DFDI 24-01-01. The additional benefits needed to bring the eligible household to \$95 would be issued as a supplement to the amount that the household had been determined to be eligible for. Ibid. In this case, based on the revised income amount reported, the Agency calculated that Petitioner was eligible for the minimum allotment of \$23, however, Petitioner was eligible to receive \$95 through the state SNAP Minimum Benefits Program. Ibid.; see also DFDI 22-09-02 at 12. As such, Petitioner was overissued SNAP benefits in the amount of \$186 per month for May, 2023 and June, 2023 (\$281 - \$95), rather than the \$258 referenced within the Initial Decision for a total of \$372 (\$186 x 2). Taking the above into consideration, the revised total overissuance of SNAP benefits is \$936 + \$372, or \$1,308. The Initial Decision, and underlying Agency determinations, are modified to reflect these findings.

I ORDER and direct that the Agency proceed to recoup the overissuance of \$1,308.

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

Officially approved final version. October 02, 2025

Natasha Johnson
Assistant Commissioner

