



## State of New Jersey

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*Governor*

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 **14891-25 K.C.**

AGENCY DKT. NO. **C101733018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's notice to repay Supplemental Nutrition Assistance Program ("SNAP") benefits that were allegedly overpaid to Petitioner. The Respondent Agency maintains that Petitioner received SNAP benefits to which she was not entitled, as a result of her failure to accurately report her residence. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On October 14, 2025 the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ," ) held a telephonic plenary hearing, took testimony, admitted documents into evidence, and the record was closed. On October 27, 2025, the ALJ issued an Initial Decision, affirming the overissuance of SNAP benefits issued to Petitioner.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the record in this matter, and I hereby ADOPT the Initial Decision, and AFFIRM the Agency determination, 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 "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.

Pursuant to the regulatory authority of N.J.A.C. 10:87-2.2, for purposes of SNAP, a household is defined, and the regulations state in N.J.A.C. 10:87-2.2(c), "In no event shall nonhousehold member status or separate household status be granted to: 1. Parents and their biological, adopted or stepchildren (excluding foster children) under the age of 22 who reside together, regardless of the marital status or having a child of their own. The biological parent-child relationship takes precedence unless there has been a termination of parental rights. Legal custody does not in and of itself terminate parental rights, in which case the legal relationship between the biological parent and the child would still exist even though another person(s) has been awarded legal custody of the child." Further, N.J.A.C. 10:87-2.2(c)(2)(ii) states "An individual between the ages of 18 and 22, not living with his or her biological, adoptive or stepparent, who is married and/or has a child of his or her own, and is not financially dependent on a member of the household, and prepares and eats his or her meals separate and apart from other members residing in the household, may, for NJ SNAP purposes, be considered a separate household."



Here, the ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner received an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 2-5. The record in this matter reveals that Petitioner received an overissuance of SNAP benefits from August, 2024 through May, 2025 due to the Agency's delayed processing of Petitioner's change in residence. Id. at 2-3; see also Exhibit R-1. Upon the Agency entering Petitioner's correct residence, with her parents, it was determined that Petitioner had been issued the SNAP benefits contrary to the regulatory requirements, as she was less than twenty-two years of age and residing with her parents she did not qualify, for purposes of SNAP benefits, as a separate household. See Initial Decision at 2-5; see also Exhibit R-1. The ALJ in this matter found that, as the result of an AE, more specifically, the Agency's delay in entering Petitioner's updated residence, Petitioner received an overissuance of SNAP benefits in the amount of \$6,466.69 for the period beginning August, 2024 through May, 2025. Ibid. The ALJ further found that, 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 Initial Decision at 2-5; see also N.J.A.C. 10:87-11.20. Accordingly, the ALJ concluded that Petitioner was overissued SNAP benefits to which she was not entitled during the time period claimed, and as such, the Agency is entitled to recoup, and Petitioner must repay, the overissuance of SNAP benefits to which she was not eligible to receive. See Initial Decision at 4-5; see also N.J.A.C. 10:87-11.20(b), (e)(3), see also 7 C.F.R. 218. I agree.

I ORDER and direct that the Agency proceed to recoup the overissuance.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. November 25, 2025

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Natasha Johnson  
Assistant Commissioner

