



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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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 **06338-24 L.B.**

AGENCY DKT. NO. **C056588001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

Petitioner challenges the correctness of the Respondent Agency's claim for recoupment of Supplemental Nutrition Assistance Program ("SNAP") benefits and Work First New Jersey/General Assistance ("WFNJ/GA") benefits issued to Petitioner during the period of February 2023 to December 2023. Respondent Agency asserts that Petitioner's household received SNAP and WFNJ/GA benefits to which he was not entitled, as the result of a failure to report earned self-employment income, which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. This matter has a lengthy procedural history including thirteen postponed hearing dates. See Initial Decision at 2. Most pertinent is that a Zoom hearing was scheduled for February 24, 2025, at which time the parties conferenced the matter and agreed to settle the case. Ibid. However, on March 3, 2025, Petitioner's counsel informed the tribunal that Petitioner was no longer interested in settling and wished to proceed with the hearing, and that she was withdrawing as counsel for Petitioner. Ibid. On March 21, 2025, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 3, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and AFFIRM the Agency's determinations, based on the discussion below.

Eligibility for SNAP and WFNJ/GA is determined by examining an applicant's income (both earned and unearned) and resources (both countable and exempt); an applicant must report all income received by every household member and the applicant maintains the duty to report any changes in household circumstances. See N.J.A.C. 10:87-4.2, -5.2, -9.5, and N.J.A.C. 10:90-1.13, -3.1, -3.3, -3.4, -3.9, -3.10, -3.19, -3.20. In the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. 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).

Initial financial eligibility for WFNJ benefits is determined based upon the assistance unit's ("AU") countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). If a WFNJ/ GA AU has income that is equal to or less than the maximum allowable income level, then financial eligibility exists. See N.J.A.C. 10:90-3.1(b) and -3.5(a). The maximum allowable income level for an employable WFNJ/GA benefits AU that consists of one individual is \$278 per month. See DFD Informational Transmittal ("DFD IT") No. 19-21.



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. See Initial Decision at 2-12. Specifically, the ALJ found that when Petitioner applied for SNAP and WFNJ/GA benefits, his benefits were based on him reporting no income, however, a 1040 income tax return evidenced that during the 2023 tax year, Petitioner had income of which the Agency was unaware. See Initial Decision at 3; see also Exhibit R-1. On January 31, 2024, the Agency sent a request for verification from Petitioner of his current paystubs. See Initial Decision at 3. Petitioner did not respond and on April 4, 2024, the Agency terminated his WFNJ/GA benefits for a failure to provide verifications. Ibid.; see also Exhibit R-1. Thereafter, in establishing the claim, the Agency utilized the 1040 tax document to apply the simplified 51% deduction calculation used for self-employed individuals. Ibid.

On May 6, 2024, Petitioner was notified that he had been overissued SNAP benefits in the amount of \$2,610, as well as overissued WFNJ/GA benefits in the amount of \$1,942 from February, 2023 to December, 2023. See Initial Decision at 3-4; see also Exhibit R-1. Petitioner maintained that he had provided his income information, however, no income information was located by the Agency in their computer systems. See Initial Decision at 4. Petitioner thereafter provided the Agency with a plethora of documentation regarding his gas purchases, vehicle lease, finance agreement, vehicle related paperwork and receipts, license documentation, taxi medallion lease agreements, as well as additional documentation. Ibid. During the various conferencing for the matter, upon Petitioner's request, the Agency calculated his self-employment income using the actual costs of self-employment, rather than the simplified 51% deduction, so long as itemized receipts were produced. See Initial Decision at 5; see also Exhibit R-2. As such, the Agency sent Petitioner a request for contact on June 20, 2024, requesting any and all documents related to his gross earnings from February 2023 to May 2024. Ibid. Petitioner came to the Agency on June 28, 2024, and delivered documentation which the Agency utilized to recalculate his self-employment income, however, certain receipts for expenses and deductions were not produced. See Initial Decision at 5-6; see also Exhibit R-2. The Agency's recalculation resulted in an increase of the SNAP overissuance amount by \$353. See Initial Decision at 6; see also Exhibit R-2.

A further conference on February 24, 2025, led to an additional recalculation of Petitioner's income based upon additional invoices that he had not previously provided to the Agency. See Initial Decision at 6-7; see also Exhibit R-3. An additional recalculation was performed on February 26, 2025, which resulted in the Agency making adjustments to the overpayment amount and finding no overissuance of benefits during February 2023, August 2023, and September 2023. See Initial Decision at 7; see also Exhibit R-3. Further, a prior \$29 recoupment from June 1, 2024, was applied to reduce Petitioner's balance. Ibid. On February 26, 2025, the Agency reissued the Notice to Repay Overissued SNAP and WFNJ benefits. Ibid.

Prior to the hearing, on March 20, 2025, Petitioner submitted additional documentation to the Agency, which set forth which of the documents had been considered in the Agency's calculations and which were not and presenting reasons for same. See Initial Decision at 7; see also Exhibit R-4.

Following the various recalculations, Petitioner was notified that he had been overissued SNAP benefits in the amount of \$2,094, as well as overissued WFNJ/GA benefits in the amount of \$1,942 from February, 2023 to December, 2023. See Initial Decision at 7. The ALJ found that Petitioner had failed to report earned income to the Agency from February 2023 to December 2023, which resulted in an overissuance of SNAP benefits in the recalculated amount of \$2,094, to which Petitioner was not entitled. See Initial Decision at 9, 11-12; see also Exhibits R-1, R-2, R-3, R-4. The record also reflects that Petitioner acknowledged his employment during the time at issue, and that, upon learning of Petitioner's unreported income, the Agency had attempted to verify said income with Petitioner. See Initial Decision at 2-8. Accordingly, the ALJ concluded that the Agency had properly determined that Petitioner had received an overissuance of SNAP benefits in the amount of \$2,094, to which he was not entitled and which now must be repaid. See Initial Decision at 9, 11-12; see also Exhibit R-1, R-2, R-3, R-4, and N.J.A.C. 10:87-11.20(e)(2). I agree, and as such, I ORDER and direct the Agency to proceed to recoup the overissuance.

Further, the ALJ found that Petitioner had failed to report earned income in relation to his WFNJ/GA benefits, which would have made him ineligible to receive WFNJ/GA benefits, and as such, Petitioner received an overissuance of WFNJ/GA benefits to which he was not entitled during the time period claimed, and which must now be repaid. See N.J.A.C. 10:90-3.6(a) and N.J.A.C. 10:90-3.21(a)(1). Based on the record presented, the ALJ in this matter concluded that Petitioner was overissued WFNJ/GA benefits to which he was not entitled during the time period claimed, in the amount of \$1,942, and as such, the Agency is entitled to recoup, and Petitioner must repay, the overissuance of WFNJ/GA benefits to which he was not eligible to receive. See Initial Decision at 9, 11-12; see also N.J.A.C. 10:90-3.21(a)(1). Again, I agree, and as such, I ORDER and direct the Agency to also proceed to recoup this overissuance.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED.



Officially approved final version. May 13, 2025

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Natasha Johnson  
Assistant Commissioner

