



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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*Lt. Governor*

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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 11926-25 M.S.

AGENCY DKT. NO. C097433020 (UNION COUNTY DIVISION 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 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 September 12, 2025, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ," ) held a telephonic plenary hearing, took testimony, and admitted documents into evidence. The record was held open for the submission of additional documents and closed on September 16, 2025. On September 22, 2025 the ALJ issued an Initial Decision, reversing 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 reviewed the record in this matter, and I hereby ADOPT the Initial Decision, and REVERSE the Agency determination, based on the discussion below.

In the instance of an overpayment of [SNAP] 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 resulting from a misunderstanding or unintended error on the part of the household, 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 the Agency initiated an investigation in regards to Petitioner due to her utilization of her NJ SNAP benefits in the state of New York for several consecutive months. See Initial Decision at 2. At the time of the hearing, Petitioner testified that she resides in Union County with her daughter, S.T. Ibid. The Agency specifically asserted that Petitioner was not a resident of Union County between March, 2023 and November, 2023, between January, 2024 and February, 2024, and between June, 2024 and March, 2025. See Initial Decision at 3. The assertion made by the Agency is based upon Petitioner's SNAP benefits being used out of state in New York, as well as Pennsylvania. Ibid.

At the time of the hearing, Petitioner testified that her residence is with S.T., in Union County, and that her granddaughter resides in New York, and following the birth of her great-grandchild, she went to stay with her granddaughter to provide assistance with the newborn child. See Initial Decision at 3. Petitioner testified that she periodically returned to New Jersey, where she maintained her room in S.T.'s home. Ibid. Further, Petitioner has a New Jersey driver's license and is registered to vote in New Jersey, as well as receiving medical care within the State. See Initial Decision at 4. Petitioner



testified that she more often utilized her SNAP benefits in New York to purchase food for herself rather than in New Jersey, where her daughter S.T. would often provide food for her. Ibid.

Based on the foregoing, the ALJ found that Petitioner presented credible evidence that she resides in New Jersey but that she did leave the state to care for her granddaughter and great-grandchild, however, Petitioner returns to her New Jersey address on a periodic basis and has not sought benefits in any other state. See Initial Decision at 4-5; see also Exhibit P-1. Accordingly, the ALJ found that the Agency had not 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, and concluded that Petitioner did not commit an IHE, and that the determination that Petitioner repay overissued SNAP benefit should be reversed. See Initial Decision at 6. I agree and note that Federal and State regulations do not impose durational residency requirements related to the receipt of SNAP. See 7 C.F.R. 273.3 and N.J.A.C. 10:87-3.3, -9.5(a).

Based on the foregoing, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED, as outlined above.

Officially approved final version. October 23, 2025

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Natasha Johnson  
Assistant Commissioner

