



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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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 **13198-25 N.S.**

AGENCY DKT. NO. **C291287020 (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 October 17, 2025, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, and admitted documents into evidence. On October 28, 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 reviewed the record in this matter, and I hereby ADOPT the Initial Decision, and AFFIRM 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 states of Pennsylvania and Texas for several consecutive months. See Initial Decision at 2-8; see also Exhibit R-2. The Agency specifically asserted that Petitioner was not a resident of Union County beginning in March 2024. See Initial Decision at 2. The assertion made by the Agency is based upon Petitioner's SNAP benefits being used out of state in Pennsylvania, as well as Texas. See Initial Decision at 2-5.

At the time of the hearing, Petitioner testified that she was living in New Jersey until November 2024, at which time she became homeless and began to utilize her SNAP benefits card outside of New Jersey. See Initial Decision at 5. Petitioner testified that she moved to Pennsylvania in December 2024, at which time she informed the Agency to close her SNAP benefits case. Ibid. The Agency investigator testified, however, that Petitioner did not notify the Agency that she had moved to Pennsylvania until June 5, 2025. Ibid.



Based on the foregoing, the ALJ found that Petitioner's testimony directly contradicted the evidence in the record. See Initial Decision at 7; see also Exhibit R-1. Accordingly, the ALJ found that Petitioner did not reside within New Jersey, from March 2024 through June 2025, at the time of her receipt of SNAP benefits, and 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, in the amount of \$4,373, to which she was not entitled, which must now be repaid. See Initial Decision at 8; see also Exhibit R-1, R-2, and N.J.A.C. 10:87-3.2, -3.3, -9.5, -11.20. I agree.

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

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

Officially approved final version.

November 25, 2025

Natasha Johnson

Assistant Commissioner

