



State of New Jersey

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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 **10411-25 T.B.**

AGENCY DKT. NO. **C108100003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between January, 2024 through October, 2024. The Agency asserts that Petitioner received SNAP benefits to which he 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 September 11, 2025, the Honorable Advia Knight Foster, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony, admitted documents into evidence, and the record was closed. On September 22, 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 Petitioner applied for SNAP benefits on November 7, 2022, and indicated that his sole source of income was monthly Retirement, Survivors, and Disability Insurance ("RSDI") benefits. See Initial Decision at 2; see also Exhibit G. During December 2023, Petitioner notified the Agency that he had a new employer, however, he did not submit paystubs from such employment until March, 2024. See Initial Decision at 3. On March 4, 2024, Petitioner submitted paystubs from November 11, 2023 to December 23, 2023. Ibid.; see also Exhibit F. On November 9, 2024, the Agency conducted an employment verification and on December 16, 2024, the Agency sent a wage verification request to Petitioner's employer. See Initial Decision at 3; see also Exhibits B, C. On December 31, 2024, Petitioner's employer returned the wage verification to the Agency which indicated that Petitioner was hired on November 7, 2023 and provided paystubs from November 17, 2023 to December 27, 2024. See Initial Decision at 3; see also Exhibit C.

The Agency contends that Petitioner had earned income for January 2024, May 2024, August 2024, and September 2024, which exceeded the maximum allowable gross income in effect at the time for SNAP benefits eligibility, thus



making Petitioner ineligible for such benefits during those months. See Initial Decision at 3; see also Exhibit D and DFDI Instruction ("DFDI") No. 23-09-01 at 12-13.

In addition, the Agency determined that, while the income during February 2024, March 2024, April 2024, June 2024, July 2024, and October 2024 did not exceed the maximum allowable gross income of 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 he was not entitled. See Initial Decision at 3; see also Exhibit D and DFDI No. 23-09-01 at 12-13.

Based upon the Overissuance Summary submitted by the Agency, the Agency calculated that Petitioner had a total overissuance of \$2,690.79, consisting of overpayments of SNAP benefits of \$282 monthly for the months of January, 2024 through September, 2024 as well as \$292 monthly for the month of October 2024. See Exhibit D. 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 he was not entitled, which must now be repaid. See Initial Decision at 4-5; see also N.J.A.C. 10:87-5.4(a)(1), -11.20. I agree as to the finding of the overissuance, however, a review of the official records of this office indicate that, 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. As such, Petitioner was overissued SNAP benefits in the amount of \$187 per month for February 2024, March 2024, April 2024, June 2024, July 2024, (\$282 - \$95), rather than the \$282 referenced within the record. Further, Petitioner was overissued SNAP benefits in the amount of \$197 for the month of October, 2024 (\$292-\$95), rather than the \$292 referenced within the record.

Taking the above into consideration, the revised total overissuance of SNAP benefits is \$2,260 (\$1,128 (\$282 x 4 months) + \$935 (\$187 x 5 months) + \$197 (\$197 x 1 month)). 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 \$2,260.

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 16, 2025

Natasha Johnson
Assistant Commissioner

