



State of New Jersey

MIKIE SHERRILL
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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

AMENDED DECISION

OAL DKT. NO. HPW **05027-25 B.P.**

AGENCY DKT. NO. **C257213020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

A Final Agency Decision ("FAD") was issued in this matter on January 15, 2026. This Amended FAD is being issued to recognize receipt of Exceptions filed by the Petitioner, but not received, nor reviewed, by this office prior to the issuance of the FAD in this case.

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Work First New Jersey/General Assistance ("WFNJ/GA") and Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between August, 2022 and March, 2025. The Agency asserts that Petitioner received WFNJ/GA and 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 December 8, 2025, the Honorable Aurelio Vincitore, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents into evidence, and the record then closed. On December 19, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were received from Petitioner on January 20, 2026.

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 ADOPT the ALJ's Initial Decision, and AFFIRM 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).

Similarly, under the WFNJ regulations, a WFNJ benefits recipient is required to satisfy any repayment obligation pursuant to state or Federal law governing public assistance. See N.J.A.C. 10:90-2.2(a)(7).

Here, the record reflects that Petitioner received SNAP benefits, and WFNJ/GA benefits from August, 2022 through March, 2025. See Initial Decision at 2-3; see also Exhibit R-1. Based upon an Out-of-State EBT Usage Report, the Agency received information that all but two of Petitioner's SNAP benefits purchases were made in Pennsylvania during that time period. See Initial Decision at 3; see also Exhibit R-1. In a sole instance, out of ninety-two transactions, SNAP benefits were used within New Jersey. Ibid. Thereafter, the Agency investigator determined that Petitioner was



maintaining an address in Pennsylvania and could provide no proof of his New Jersey residency, nor of his commuting between states. See Initial Decision at 3; see also Exhibit R-1. At the time of the hearing, Petitioner provided no legally competent evidence to support that he resides within New Jersey. See Initial Decision at 3. Based on the foregoing, the ALJ found that Petitioner's testimony was not credible. Ibid. Accordingly, the ALJ found that Petitioner did not reside within New Jersey at the time of his receipt of WFNJ/GA and 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 WFNJ/GA in the amount of \$5,728.30, and SNAP benefits, in the amount of \$9,225.92, to which he was not entitled, which must now be repaid. See Initial Decision at 3-4; see also N.J.A.C. 10:87-5.4(a)(1), -9.5, -11.20 and N.J.A.C 10:90-2.11(a)(1), -3.21(a)(1), (2), (3). I agree.

By way of comment, I have reviewed the Petitioner's submitted Exceptions, and I find that the arguments therein do not alter my decision in this matter.

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. January 22, 2026

Natasha Johnson
Assistant Commissioner

