



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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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

FINAL DECISION

OAL DKT. NO. HPW 17157-25 L.B.

AGENCY DKT. NO. C059235005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner, and her husband R.B., challenge the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioners' daughter between October 2024 to November 2024, December 2024, and January 2025 to June 2025. The Agency asserts that Petitioners' household received SNAP benefits to which they were 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 November 25, 2025, the Honorable Kathleen M. Calemmo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. The record remained open to allow for the submission of additional documentation and then closed on December 5, 2025. On December 15, 2025, the ALJ issued an Initial Decision, affirming the Agency's determinations.

Exceptions to the Initial Decision were filed by Petitioners on December 18, 2025.

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).

Here, the record indicates that Petitioners, L.B. and R.B., based upon an Order of the Superior Court, share joint custody of their three grandchildren, with their daughter T.R. (a.k.a. T.B.), and that the Petitioners' home is the primary residence for all three grandchildren. See Initial Decision at 3; see also Exhibit R-1 at 109-110. Based upon the court order, and in accordance with SNAP regulations, Petitioners, T.R., and their three grandchildren, comprise the SNAP household. See N.J.A.C. 10:87-2.2(c).

Previously, an intentional program violation ("IPV"), as defined by N.J.A.C. 10:87-11.3 and 7 C.F.R. 273.16(c), of the Supplemental Nutrition Assistance Program ("SNAP"), was brought against T.R. and, based upon a Final Agency Decision issued on June 13, 2025, this office found that T.R. was to be disqualified from the receipt of SNAP benefits for twelve months and that the Agency was required to recoup the overissuance of \$4,078 in SNAP benefits for the period of October, 2024 through February, 2025. See OAL Docket No. HPW 06533-25. The Agency thereafter established that



T.R. had resided with Petitioners from October, 2024, through June, 2025, and that Petitioners utilized SNAP benefits to purchase food for the household. See Initial Decision at 3; see also Exhibit R-2. T.R. failed to include the income of household members/Petitioners L.B. and R.B., which would have made the household ineligible for receipt of SNAP benefits. See Initial Decision at 3. As such, the Agency found Petitioners had committed an IHE and determined that SNAP benefits had been overissued in the amount of \$1,462 for October 2024 and November 2024, in the amount of \$872 for December, 2024, and in the amount of \$4,796 for January, 2025 through June, 2025. See Initial Decision at 2; see also Exhibit R-1 at 60, 63, 74.

Pursuant to applicable regulatory authority, those responsible for paying a claim include "Each person who was an adult member of the household when the overpayment or trafficking occurred." See N.J.A.C. 10:87-11.20(d)(1). Accordingly, the ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioners received an overissuance of SNAP benefits to which they were not entitled, which must now be repaid. See Initial Decision at 5; see also N.J.A.C. 10:87-5.4(a)(1), -11.20. I agree.

By way of comment, I have reviewed Petitioners' Exceptions, and I find that the arguments made 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 15, 2026

Natasha Johnson
Assistant Commissioner

