



# State of New Jersey

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*Governor*

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

FINAL DECISION

OAL DKT. NO. HPW **16215-25 R.G.**

AGENCY DKT. NO. **C205638020 (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. A hearing in this matter was initially held on December 4, 2025, however, the hearing recording was later found to be defective, such that the record could not be relied upon and necessitated the hearing be rescheduled. On February 6, 2026, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ," ) held a telephonic plenary hearing, took testimony, and admitted documents into evidence. Thereafter, a request was made for a copy of a previously marked Exhibit, and the record was closed on April 7, 2026. On April 13, 2026, 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 exclusively in New York, for thirty months of thirty-seven months during the time period of July, 2022, through July, 2025. See Initial Decision at 2-7; see also Exhibits R-1, R-4. The Agency specifically asserted that Petitioner was not a resident of Union County beginning at some point in mid-2022 through 2025. Ibid. The assertion made by the Agency is based upon Petitioner's SNAP benefits being used out of state in New York, specifically her utilization of stores in the Bronx, New York where she conducted 110 separate transactions on 91 different dates. See Initial Decision at 2; see also Exhibits R-5, R-6.



At the time of the hearing, Petitioner testified that she was entitled to spend her SNAP benefits anywhere that she wanted and claimed that she did not relocate from New Jersey to New York until March, 2025, when her application for Section 8 housing was approved. See Initial Decision at 3; see also Exhibit R-8. Petitioner was unable to produce evidence that she resided in New Jersey and did not produce any testimonial witness to validate her assertions, even though she allegedly resided with her daughter in New Jersey. See Initial Decision at 4-6.

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 Exhibits R-1, R-5, R-6, R-7, R-9. Accordingly, the ALJ found that Petitioner did not reside within New Jersey, from July, 2022, through July, 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 \$9,280, to which she was not entitled, which must now be repaid. Ibid.; see also 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. April 22, 2026

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Natasha Johnson  
Assistant Commissioner

