



State of New Jersey

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Governor

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DIVISION OF FAMILY DEVELOPMENT
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STEPHEN CHA, MD, MHSR
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 **04612-26 T.S.**

AGENCY DKT. NO. **C434908007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between June, 2021 and November, 2021. The Agency contends that Petitioner was simultaneously receiving SNAP benefits in New York, 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 April 9, 2026, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On July 20, 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 considered the ALJ's Initial Decision, and following an independent review of the record, I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency actions, based on the discussion below.

Regulatory authority applicable to SNAP benefit cases, requires that a household must be a resident of the county in which it files an application for participation. See N.J.A.C. 10:87-3.2.

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 the Agency received information from New York regarding a database match which indicated that Petitioner had received SNAP benefits simultaneously in New York and New Jersey from June, 2021 through November, 2021. See Initial Decision at 2; see also Exhibit R-1. Petitioner, at no time, reported a change of address to either Agency which resulted in an overissuance of SNAP benefits from Essex County in the amount of \$2,160 from June, 2021 through November, 2021. See Initial Decision at 3; see also Exhibit R-1. Based on the foregoing, the ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner received an overissuance of SNAP benefits, in the total amount of \$2,160, to which she was not entitled, which must now be repaid. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:87-3.2(a), -3.3, -9.5, -11.20. I agree.



The ALJ in this matter additionally concluded that “given the age of the case and the amount in question, no period of disqualification should be imposed.” See Initial Decision at 3. I disagree with the conclusion and rather, find that the Agency is without prejudice to pursue an intentional program violation (“IPV”) against Petitioner, pursuant to N.J.A.C. 10:87-11.3 and 7 C.F.R. 273.16(c), and seek a 10-year disqualification period from receipt of SNAP, should it deem appropriate. See N.J.A.C. 10:87-11.2(e); see also 7 C.F.R. 273.16(b)(5). Should the Agency seek an IPV, proper notice shall be required pursuant to the applicable regulatory authority. See N.J.A.C. 10:87-11.5(a)(3)(i) and 7 C.F.R. 273.16(e)(3)(i). The Initial Decision is modified to reflect the above finding.

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

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

Officially approved final version. August 06, 2026

Natasha Johnson
Assistant Commissioner

