



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **07749-24 C.M.**

AGENCY DKT. NO. **C132974020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner Agency seeks a finding that Respondent committed an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent failed to accurately report the size of her household and household income, thus causing Respondent to receive SNAP benefits to which she was entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on May 4, 2024. See Exhibits P-7 at 9-10, 11-15, P-8. Because Respondent failed to execute and return the waiver of her right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. See Exhibit P-7 at 3-4. On June 18, 2024, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed.

On July 2, 2024, the ALJ issued an Initial Decision, which found that the Agency had not met its burden in establishing, by clear and convincing evidence, that Respondent had committed an IPV. See Initial Decision at 3, 4. The ALJ found Respondent credible when she testified that she was unaware that her daughter, C.R., had applied for, and received SNAP benefits for herself and her child, while they lived with Respondent. See Initial Decision at 3. The ALJ further found that the Agency offered no evidence to support its assertion that Respondent was aware that her daughter had applied for SNAP benefits while she lived with her. *Ibid.* Accordingly, based upon the record presented, and because the Agency did not present clear and convincing evidence that Respondent misrepresented or intentionally failed to disclose her accurate household size and income, the ALJ reversed the Agency's determination that Respondent had committed an IPV. *Id.* at 3, 4; see also Exhibit P-7 at 11-15, and N.J.A.C. 10:87-2.2, -5.4(a), -11.2(a)(1).

While I agree with the ALJ's finding, specifically, that Respondent did not commit an IPV, pursuant to regulatory authority, in the instance of an overpayment of SNAP benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. In this matter, the ALJ found that C.R. and her child were still residing with Respondent, when C.R. began receiving her own SNAP benefits in October, 2023, until they moved out of Respondent's apartment in December, 2023. See Initial Decision at 3, 4; see also Exhibits P-2, P-3, P-4.

Based upon this, the ALJ modified the original period of overissuance (July, 2023, through September, 2023, and November, 2023, through January, 2024), and reduced the amount of the overissuance the Agency had initially sought from Respondent (\$2,529), and concluded that Respondent received an overissuance of SNAP benefits only for the period beginning November, 2023, through January, 2024, in the amount of \$1,239, and that this amount must be repaid. I agree with the ALJ, and note that overissuances must be repaid, regardless of fault, as any overissuance of



SNAP benefits cannot result in a windfall to Respondent. See N.J.A.C. 10:87-11.20. To this end, I direct that the Agency proceed to recoup the overissuance of SNAP benefits.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the Initial Decision in this matter, and following an independent evaluation of the record, I concur with the ALJ's decision, and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter. The Agency shall recoup the overissued SNAP benefits. A 12-month penalty, disqualifying Respondent from receiving SNAP benefits, is not imposed.

Officially approved final version. July 31, 2024

Natasha Johnson
Assistant Commissioner

