



State of New Jersey

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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

FINAL DECISION

OAL DKT. NO. HPW **06109-24 K.H.**

AGENCY DKT. NO. **C104393020 (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"), and to impose a 12-month disqualification penalty from receipt of SNAP benefits. The Agency asserts that Respondent failed to accurately report a change in household composition as well as a change in 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 March 14, 2024. See Exhibit P8. 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 ("OAL") for a hearing as a contested case. See Exhibit P7. On May 12, 2024, Respondent's daughter requested an adjournment to allow her mother to obtain legal counsel, which Respondent did. The parties mutually agreed to reschedule the hearing for June 5, 2024, and upon notice that Respondent was represented by counsel, OAL rescheduled the matter to allow time for the parties' exchange of documents. On June 10, 2024, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ,") held a plenary hearing, took testimony, admitted documents, and the record then closed.

On June 18, 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 3-7; see also N.J.A.C. 10:87-11.3. Specifically, the ALJ found that, for the period beginning May, 2020, through July, 2022, although Respondent received increased monthly Retirement, Survivors, and Disability Insurance ("RSDI") benefits through the Social Security Administration ("SSA") following the death of her husband on April 22, 2020, and did not report the increase in monthly income, which would have made her ineligible for SNAP benefits, nor the death of her spouse, there was no evidence that Respondent intentionally concealed the excess income nor the change in her household. See Initial Decision at 3-7. The ALJ further found that Respondent, as a senior citizen, relied upon her husband to assist with most of their finances during his lifetime including their household's receipt of SNAP since 2012, and the fact that Respondent did not report his death, during the time of a pandemic and as Respondent dealt with her own health concerns, does not in itself demonstrate that Respondent made a false or misleading statement, or misrepresented, concealed or withheld facts constituting an IPV. *Ibid.*; see also N.J.A.C. 10:87-11.3(a)(1). Accordingly, based upon the record presented, and because the ALJ concluded that the Agency did not present clear and convincing evidence that Respondent had committed an IPV, no 12-month disqualification penalty from receipt of SNAP benefits was imposed on Respondent. See Initial Decision at 8; see also N.J.A.C. 10:87-11.2(a)(1).

Nonetheless, despite a finding that Respondent did not commit an IPV, and therefore should not be disqualified from receipt of SNAP benefits for 12 months, 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 Respondent was improperly issued SNAP benefits totaling \$11,357 from May, 2020 through July, 2022. See Initial Decision at 3; see also Exhibits P4, P6, and P7. 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, the record indicates that Respondent has already started to monthly repay a portion of the overissued SNAP benefits. See Initial Decision at 8.

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.

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

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

Officially approved final version. July 03, 2024

Natasha Johnson
Assistant Commissioner

