

DEPARTMENT OF HUMAN SERVICES

Chris Christie Governor

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Elizabeth Connolly
Acting Commissioner

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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 7747-15 L.D.

AGENCY DKT. NO. C174352 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's correctness of a Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, recoupment due to an overissuance. The Agency asserts that Petitioner received SNAP benefits to which she was not entitled as the result of earned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 15, 2015, the Honorable Joann Lasala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted into evidence.

On July 15, 2015, the ALJ issued an Initial Decision affirming the Agency's determination. The record reveals that the Agency seeks recoupment of SNAP benefits for a period of seven months, from December 2011 through June 2012, during which time Petitioner was employed, as a result of which, Petitioner's earned income made her ineligible for the benefits she had received. See Initial Decision at 2. The ALJ noted that while Petitioner asserted that she had notified the Agency of that employment, neither Petitioner, nor the Agency, could provide proof to substantiate Petitioner's assertion. Ibid. Nevertheless, the Agency confirmed to the ALJ that the matter was not a case involving an incident of fraud, but was rather an occurrence of inadvertent household error. Ibid. As such, the ALJ concluded that the Agency had established that an overissuance of SNAP benefits had occurred which were subject to recoupment. See id. at 4.

No exceptions to the Initial Decision were filed.

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As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and AFFIRM the Agency determination.

SNAP is designed to promote the general welfare and to safeguard the health and well-being of the population by raising the levels of nutrition among low-income households. See N.J.A.C. 10:87-1.1(a). 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." 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. N.J.A.C. 10:87-11.20(f)(1)(i).

Based upon my independent review of the record, I concur with the ALJ's determination in this matter. The evidence presented clearly demonstrates that Petitioner earned income over a period of time which resulted in an overissuance of SNAP benefits to Petitioner to which she was not entitled. As such, Petitioner is responsible for repayment of the overissuance amount.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter and AFFIRM the Agency determination.

Signed Copy on File at DFD. BARA

Natasha Johnson Director