



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

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*Governor*

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Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*

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 3897-15 K.R.

AGENCY DKT. NO. C093811 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals the Respondent Agency's correctness of a Supplemental Nutrition Assistance Program ("SNAP"), f/k/a Food Stamps, benefits recoupment due to an overissuance. The Agency asserts that Petitioner received SNAP benefits to which she was not entitled as the result of an administrative error. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 8, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On April 15, 2015, the ALJ issued his Initial Decision affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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, affirming 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 is caused by an action of the Agency itself, called an "administrative error." N.J.A.C. 10:87-11.20(e)(3). 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).

The record in this matter reveals that in May, June and July, 2012, Petitioner received

SNAP benefits based upon calculations which did not include Petitioner's alimony and child support payments. See Initial Decision at 2. This data had been inadvertently deleted by the Agency representative. Ibid. This omission resulted in an overissuance of SNAP benefits to Petitioner in the total amount of \$731. See id. at 3. While Petitioner asserted that the overissuance was a result of an error of the Agency's, and the Agency represented stipulated to such, the ALJ nonetheless found that the overissuance of benefits must be repaid regardless of fault. See id. at 3. The ALJ properly opined that the overissued funds are taxpayer dollars and must be repaid, as to do otherwise would "result in a windfall for Petitioner." Ibid. I concur with this decision.

As such, I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision, AFFIRM the Agency determination and ORDER the Agency to recoup the overissuance.

APR 30 2015

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director