



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 **08775-23 K.T.**

AGENCY DKT. NO. **C508226002 (BERGEN COUNTY BD. OF SOC. SVCS.)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP.") The Agency asserts that Respondent intentionally failed to accurately provide required information when applying for SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing ("ADH," the charges against him, and the proposed disqualification penalty, via certified mail, return receipt requested, on August 2, 2023. See Exhibit P-1. Because Respondent failed to execute and return the waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. See Exhibit P-2. The September 28, 2023, ADH, was initially scheduled as a telephonic hearing. However, due to the number of exhibits involved, and that Agency would be presenting several witnesses, the format of the hearing was changed to a virtual format, specifically, via Zoom. See Initial Decision at 2. On September 7, 2023, the OAL notified Agency and Respondent that the ADH had changed to Zoom, and will not be conducted via telephone. *Ibid.*; see also Exhibit P-5. Additionally, during communications with the OAL, Respondent was repeatedly reminded that the ADH would be conducted on September 28, 2023, via Zoom. *Ibid.* On September 28, 2023, Respondent did not appear at the scheduled start time for the ADH. More than 30 minutes after the scheduled start of the ADH, Respondent reached out to the OAL, stating that his attempts to access a telephonic hearing were unsuccessful. *Ibid.* As a courtesy to Respondent, the ADH was rescheduled to a future date, via Zoom. On the rescheduled hearing date of October 25, 2023, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ," held a virtual plenary hearing, took testimony, and admitted documents into evidence. The record remained opened to allow Respondent to submit documents, and then closed on November 20, 2023.

On March 1, 2024, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondent had deliberately and intentionally misrepresented information to the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits, to which he was not entitled. See Initial Decision at 8. The ALJ found that Respondent intentionally withheld information, which prevented the Agency from making a proper eligibility determination for SNAP benefits. *Ibid.* Specifically, the ALJ found that when Respondent completed and submitted numerous applications for SNAP benefits, he consistently and frequently denied his interest in two income-generating business entities that he had owned and founded. *Ibid.*; see also Exhibit P-12, P-17, P-18, P-19, P-21, P-22, P-24, P-27, P-28, P-32, P-36, P-38; and N.J.A.C. 10:87-11.3(a)(1), (2). I agree with the ALJ's finding.

Based upon the ALJ's finding that Respondent had committed an IPV, thereby warranting disqualification from the receipt of SNAP benefits, the ALJ ordered the mandatory regulatory penalty of a 12-month disqualification from receipt of SNAP benefits, pursuant to N.J.A.C. 10:87-11.2(a)(1). See Initial Decision at 9. I also agree.



Notably, in this present matter, the Agency is not seeking to recoup any amount of overissued SNAP benefits received by Respondent. The Agency is without prejudice to seek recovery of any overpayment of SNAP benefits to Respondent in a later action.

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 and 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.

Additionally, while I agree with the ALJ's conclusion, that Respondent committed an IPV, warranting a 12-month disqualification period from receipt of SNAP benefits, it should be noted that with respect to matters wherein IPV's are alleged to have been committed, the Agency is responsible for initiating an ADH. See N.J.A.C. 10:87-11.1. Accordingly, as the Agency is the party requesting relief in an IPV case, it is the "Petitioner." See N.J.A.C. 1:1.2.1, "Definitions." Conversely, the party responding to the Agency's request for relief in an IPV case is the "Respondent." Ibid. In the ALJ's Initial Decision, K.T., was incorrectly referred to as "Petitioner," when he was, in fact, the Respondent. The Agency was incorrectly referred to as "Respondent" throughout the Initial Decision, when it should be referred to as Petitioner. Therefore, the Initial Decision, and corresponding exhibits submitted by the parties, are modified so as to reflect the correct designation of the parties.

Accordingly, based upon the foregoing, I hereby MODIFY the Initial Decision in this matter, and ORDER that Respondent is hereby disqualified from the receipt of SNAP benefits for a period of 12 months.

Officially approved final version. April 18, 2024

Natasha Johnson
Assistant Commissioner

