



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **00325-24 J.C.**

AGENCY DKT. NO. **C091362015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency charges Respondents, J.C. and G.M., with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP.") The Agency asserts that Respondents intentionally failed to accurately report household income, while they received SNAP benefits, thus causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents were noticed of the Administrative Disqualification Hearing ("ADH,") the charges against them, and the proposed disqualification penalties, via certified mail, return receipt requested, on December 14, 2023. See Exhibit P-1 at 1, 2-3, 6, 7-8. Because Respondents failed to execute and return the waiver of their right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. Id. at 4-5, 9-10. On February 23, 2024, at the commencement of the hearing, and pursuant to Petitioner Agency's motion, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ,") consolidated Respondents' separate matters, docketed under OAL Docket Nos. HPW 00325-24 (J.C.) and HPW 00329-24 (G.M.). See N.J.A.C. 1:1-17.3(a). Thereafter, on that same date, the ALJ held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. Respondents did not appear for the hearing, and the matter proceeded ex parte, which is permissible pursuant to our regulatory scheme. See N.J.A.C. 1:10-14.1(d). Respondents were given ten days to present good cause for their failure to appear. Respondents did not respond.

On March 12, 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 J.C. had deliberately and intentionally withheld information from the Agency, which resulted in Respondents receiving an overissuance of SNAP benefits, to which they were not entitled. See Initial Decision at 7. Specifically, the ALJ found that J.C. and G.M. had lived together since May, 2021, and that G.M. had been employed since November, 2021. See Initial Decision at 2, 3. The ALJ further found that when J.C. applied for SNAP benefits in May, 2022, and months later, when J.C. submitted an Interim Reporting Form in October, 2022, she intentionally did not report G.M.'s earned income as part of the total household income, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$11,534 for the period beginning January, 2022, through June, 2023. Id. at 2, 3, 4; see also Exhibits P-2, P-3, P-4, P-5, P-6, P-7, and N.J.A.C. 10:87-5.4, -9.5. I agree.

The ALJ also found that G.M., as an adult member living in the household, did not commit an IPV, because he did not deliberately and knowingly misrepresent his income, as he was not aware that his income was not reported by J.C. See Initial Decision at 6, 7; see also N.J.A.C. 10:87-11.2(k), -11.20(d)(1). However, while the ALJ found that G.M. did not commit an IPV, the ALJ concluded that G.M., like Respondent J.C., is also responsible for repayment of the SNAP overissuance, as he was an adult member of the household when the IPV had occurred. Id. at 7; see also N.J.A.C. 10:87-11.20. I also agree.



As this was the second IPV committed by J.C., the ALJ ordered the mandatory regulatory penalty of a 24-month disqualification from receipt of SNAP benefits, pursuant to N.J.A.C. 10:87-11.2(a)(2). See Initial Decision at 7, 8; see also Exhibit P-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 direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondent J.C. is disqualified from receipt of SNAP benefits for a period of 24 months. I further ORDER that the Agency is to recoup the overissuance from J.C. and G.M.

Officially approved final version. April 18, 2024

Natasha Johnson
Assistant Commissioner

