



State of New Jersey

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Governor

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 **00327-24 J.L.**

AGENCY DKT. NO. **C157150015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency charges Respondents, J.L., and her husband, T.L., separately with committing intentional program violations ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondents intentionally failed to report receipt of self-employment income, while receiving SNAP benefits, thus causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents were properly noticed of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalty, via certified mail, return receipt requested, on December 21, 2023. See Exhibit P-1. Because Respondents failed to execute and return the waiver of their right to a hearing, their separate matters were transmitted to the Office of Administrative Law ("OAL") for hearings as contested cases. On January 30, 2024, at the request of the Agency and at the commencement of the hearing, the Honorable Sarah H. Surgent, Administrative Law Judge ("ALJ"), consolidated Respondents' separate matters, docketed at OAL Docket Nos. HPW 000327-24 (J.L.), and HPW 00328-24 (T.L.). See N.J.A.C. 1:1-17.3(a). Thereafter, on that same date, the ALJ held a telephonic plenary hearing, took testimony, and admitted documents. 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 following the hearing, to present good cause for their failure to appear. See Initial Decision at 2. Respondents did not respond. Ibid.

On February 13, 2024, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondents 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 8. I take official notice of the fact that a prior fair hearing thoroughly dealt with the aggregate overissuance that is also the overissuance in the present administrative disqualification hearing. Specifically, on September 14, 2023, the Honorable Tricia M. Caliguire, ALJ, issued an Initial Decision ("ID"), affirming the Agency's determination that the household had received an overissuance of SNAP benefits to which they were not entitled during the time periods claimed, which must be repaid. See OAL Docket No. HPW 07075-23. Thereafter, on December 7, 2023, this office issued a Final Agency Decision ("FAD"), adopting ALJ Caliguire's ID, and affirming the Agency's determination. In the interest of judicial economy and interest, I take official notice of ALJ Caliguire's September 14, 2023, ID, and this office's December 7, 2023, FAD, and incorporate them herein by reference. See N.J.A.C. 1:1-15.2(a); see also N.J.R.E. 201(b)(4).

In the present matter, the Agency charges Respondents with committing an IPV, based on the same factual circumstances surrounding the case previously addressed by ALJ Caliguire's September 14, 2023, ID, and this office's FAD issued on December 7, 2023. The ALJ in the present matter found that Respondents intentionally did not report the receipt of self-employment income as owners of a business, which resulted in an overissuance of SNAP benefits



to Respondents in the aggregate amount of \$22,158.21, for the period of June 2017 through May 2019, and May 2021 through August 2021. Id. at 3-8; see also Exhibits P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P-10, P-11, P-12; and N.J.A.C. 10:87-5.4(a)(1), (2), -9.5. I agree.

As this was the first IPV committed by Respondents, the ALJ ordered the mandatory regulatory penalty of a 12-month disqualification from receipt of SNAP benefits for Respondents, pursuant to N.J.A.C. 10:87-11.2(a)(1). 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.

As was ordered in the December 7, 2023, FAD, I again direct that the Agency proceed to recoup the combined total overissuance of \$22,158.21.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondents are disqualified from receipt of SNAP benefits for a period of 12 months. I further direct that the Agency proceed to recoup the overissuance as previously ordered.

Officially approved final version. March 20, 2024

Natasha Johnson
Assistant Commissioner

