



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 11770-23 V.T.

AGENCY DKT. NO. **C249527020 (UNION COUNTY DIVISION 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 report receipt of household earned income, while receiving SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was properly noticed of the November 17, 2023, Administrative Disqualification Hearing ("ADH," the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on October 6, 2023. See Exhibits P-6 at 1, 2-3, P-7. Because Respondent failed to execute and return the waiver of her right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. See Exhibit P-6 at 4-5. Prior to the November 17, 2023, hearing date, the parties were advised that, due to a clerical error, the ADH would occur on November 14, 2023. The Office of Administrative Law ("OAL") Clerk's office confirmed that Respondent received notice of the date change. On November 14, 2023, Respondent did not call in to the ADH. On November 28, 2023, the Clerk's office emailed Respondent, to inquire whether she wanted to appear for the ADH. Respondent failed to advise the OAL Clerk either of her desire to appear, or of her wish to waive the ADH. Therefore, as a courtesy to Respondent, and with consideration of the prior unilateral change of the ADH date, another ADH was scheduled for February 5, 2024, with confirmed notice to Respondent. On February 5, 2024, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ," held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. Respondent 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).

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 Respondent had deliberately and intentionally withheld information from the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits, to which she not entitled. See Initial Decision at 4. Specifically, the ALJ found that Respondent intentionally did not report the receipt of earned income, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$5,086, for the period beginning February, 2021, through June, 2022. Id. at 2, 3; see also Exhibits P-1, P-3, P-4, P-5; and N.J.A.C. 10:87-5.4(a)(1), -9.5.

As this was the first IPV committed by Respondent, 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 4.

While I agree with the final conclusions of the ALJ in this matter, I am modifying this Initial Decision for the following reason. With respect to a matter alleging an IPV, the Agency is responsible for initiating an administrative disqualification hearing. 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 caption of the Initial Decision, V.T. was incorrectly referred to as "Petitioner," when she was, in fact, the Respondent. The Agency was incorrectly referred to as "Respondent," when it should have been referred to as "Petitioner." The parties were not identified as Petitioner or Respondent within the text of the Initial Decision; accordingly, it was not necessary to correct any party designations within the text of the Initial Decision itself, as none were used. Therefore, the Initial Decision is modified solely to reflect the correct designation of the parties within the case caption of the Initial Decision.

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, while I concur with the ALJ's Findings of Fact and Conclusion of Law in this matter, I am MODIFYING the Initial Decision, based upon the discussion above.

I direct that the Agency proceed to recoup the overissuance.

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

Officially approved final version. March 07, 2024

Natasha Johnson
Assistant Commissioner

