



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Governor

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Director
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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 11100-14 D.W.

AGENCY DKT. NO. C209039 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

The Petitioner Agency charges Respondent with an Intentional Program Violation ("IPV") in the Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program because the Respondent intentionally failed to report countable earned income. Because of this failure to report, the Agency found that Respondent received an overissuance of SNAP benefits in the amount of \$736.00.

Thereafter, the matter was transmitted to the Office of Administrative Law for an administrative disqualification hearing. The Agency notified Respondent of the charges and the hearing date in writing, which notices indicated that Respondent had ten days from the date of the scheduled hearing to present good cause for failure to appear. Exhibit P-1. On September 18, 2014, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, heard testimony and admitted documents. There was no appearance by or on behalf of Respondent, nor does it appear that Respondent contacted the ALJ regarding his failure to appear. As a result, on October 8, 2014, the ALJ issued an Initial Decision, which affirmed the Agency's IPV charge and found that Respondent was overissued SNAP benefits in the amount of \$736.00.

No exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ACCEPT and ADOPT the Findings of Fact and Conclusions of Law as contained in the Initial Decision.

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An IPV is committed when an individual intentionally withholds or conceals facts in order to establish or maintain eligibility for SNAP benefits. N.J.A.C. 10:87-11.1; -11.3. If an individual commits an IPV and it is his first violation, then he is ineligible to participate in SNAP for a period of twelve months. N.J.A.C. 10:87-11.2(a).

In this matter, I agree with the ALJ that Respondent committed an IPV in the SNAP program. Respondent did not accurately report his household income for the period of August 2012 through January 2013, and as a result received an overissuance of SNAP benefits for the period of August 2012 to January 2013 in the total amount of \$736.00. Therefore, I concur with the ALJ that Respondent's misrepresentation and concealment was done deliberately and knowingly in order to establish and maintain eligibility for SNAP benefits to which he was not entitled. N.J.A.C. 10:87-11.2(a)(1). Because this is Respondent's first IPV in the SNAP program, he is ineligible to participate in the SNAP program for a period of twelve months. N.J.A.C. 10:87-11.2. The Agency shall initiate an appropriate recovery action to recoup the overissued SNAP benefits.

Accordingly, the Initial Decision is ADOPTED and the Agency's determination is AFFIRMED.

OCT 27 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director