



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 11107-14 L.C.

AGENCY DKT. NO. C102502 (OCEAN 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 Food Stamp Program) because Respondent collected SNAP while failing to report income. Because of this failure to report, the Agency found that Respondent received an overissuance of SNAP benefits in the amount of \$7,748.

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 her reasons for failure to appear. Exhibit P-1. Respondent confirmed her receipt of the notices by signing a service receipt. Ibid. On September 18, 2014, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. There was no appearance by or on behalf of Respondent, nor does it appear that Respondent contacted the ALJ regarding her failure to appear. As a result, on September 29, 2014, the ALJ issued an Initial Decision, which affirmed the Agency's IPV charges. The ALJ found Respondent deliberately and intentionally withheld income information in order to qualify for SNAP benefits. The ALJ further found that Respondent was overissued SNAP benefits in the amount of \$7,748. Thus, the ALJ concluded that Respondent is disqualified from the SNAP for a period of twelve months.

No exceptions to the Initial Decision were filed.

Page 2

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 reviewed the record, I ACCEPT and ADOPT the Findings of Fact and Conclusions of Law as contained in the Initial Decision.

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. 10:87-11.3. If an individual commits an IPV and it is her first violation, then she is ineligible to participate in SNAP for a period of twelve months. N.J.A.C. 10:87-11.2(a)(1).

In this matter, I agree with the ALJ that Respondent committed an IPV in the SNAP. Despite receiving income, neither Respondent nor R.C., her husband, reported R.C.'s income in 2009 or 2010 to the Agency. During her 2009 SNAP application and her 2010 recertification, Respondent only reported R.C.'s receipt of unemployment benefits, but did not report R.C.'s earned income. See Exhibit P-4 and P-5. Therefore, I concur with the ALJ that Respondent intentionally withheld or concealed R.C.'s earned income in order to establish and maintain eligibility for SNAP benefits to which she was not entitled. N.J.A.C. 10:87-11.3(a)(1).

Because this is Respondent's first IPV, she is ineligible to participate in the SNAP program for a period of twelve months. N.J.A.C. 10:87-11.2(a)1. The Agency shall initiate an appropriate recovery action to recoup the overissued SNAP benefits in the amount of \$7,748.

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

OCT 15 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director