



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
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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 12350-19 C.E.

AGENCY DKT. NO. C065218012 (MIDDLESEX COUNTY BD OF SOC SCVS)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent failed to accurately report household composition and earned income, while she was receiving SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was timely served with notice of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty via certified mail, return receipt requested, on July 22, 2019. See Exhibits P-1, P-2. 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-3. On September 27, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a hearing, took testimony, and admitted documents. 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). The record remained open for 10 days for Respondent to present good cause for her failure to appear. Respondent did not respond, and the record closed on September 27, 2019.

On October 17, 2019, 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 was not entitled. See Initial Decision at 5. Specifically, the ALJ found that Respondent had failed to report that J.J., a non-custodial parent, resided in the household, had earned income, and contributed financially to the household. Id. at 2. Therefore, J.J. must be counted as part of the household composition and his income with the household's total income, and as such was not accurately reported to the Agency, it resulted in an overissuance of SNAP benefits to Respondent in the amount of \$2,431, for the period of February, 2018, through August, 2018. Id. at 2, 5; see also Exhibits P-4, P-6, P-7, P-9, P-13, P-15, P-18; see also N.J.A.C. 10:87-2.2, -5.2(a)(1) and N.J.A.C. 10:87-9.5.



As this was the second IPV committed by Respondent, 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 5.

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 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 is ineligible to participate in the SNAP for a period of 24 months. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version. **NOV 01 2019**

Natasha Johnson
Assistant Commissioner

