



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Commissioner

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Lt. Governor

NATASHA JOHNSON
Director

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 14476-18 G.A.

AGENCY DKT. NO. C033368014 (MORRIS CO. DIV. EMP. & TEMP ASST)

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 accurately report household earned income, while receiving SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. On September 14, 2018, Respondent was notified of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via personal service. See Exhibit P-1 at 199-200. On October 18, 2018, the initial hearing date, Respondent withdrew her appeal and request for a fair hearing. See Exhibit P-1 at 203. The withdrawal was deemed invalid, as a Respondent in an IPV proceeding cannot withdraw the matter, and a subsequent hearing was scheduled for March 19, 2019. Respondent did not appear on March 19, 2019, and the hearing was adjourned to May 9, 2019, to allow the Agency sufficient time to notify Respondent of the scheduled hearing. On May 9, 2019, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. The record closed at the conclusion of the hearing.

On May 30, 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 4. Specifically, Respondent intentionally misrepresented her household income by submitting several of her spouse's paystubs, which were altered to reflect incorrect income amounts, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$5,289 for the period beginning September 2013, through May 2015. Id. at 2, 3; see also Exhibits P-1 at 28-31, 41-44, 166-167, and N.J.A.C. 10:87-2.2(a), -5.2(a)(1), -5.4(a)(1), and -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.



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 and 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 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.

JUN 13 2015

Natasha Johnson

Director

