



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

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TRENTON, NJ 08625-0716

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 05977-19 L.M.

AGENCY DKT. NO. C123560006 (CUMBERLAND COUNTY BD 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 improperly used her adult child's SNAP benefits during the period from July 2016, through May 2017. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty via certified mail, return receipt requested, on March 21, 2019. See Exhibit P-1 at 1-2, 5. 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. *Id.* at 3-4. On May 22, 2019, the Honorable Dorothy Incarvito-Garrabrant, Administrative Law Judge ("ALJ"), held a hearing, took testimony, 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 ten days from Respondent to present good cause for her failure to appear. Respondent did not respond, and the record then closed on June 3, 2019.

On June 13, 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 intentionally and deliberately concealed facts in order to acquire, receive, and use her adult child's SNAP benefits, for which she was ineligible. See Initial Decision at 7; see also Exhibit P-1 at 14-16, 17, 18, 38, and N.J.A.C. 10:87-11.3 (a)(1), (2), -11.20 (y)(1). Specifically, between the period of July 2016, and May 2017, Respondent improperly acquired and utilized \$795.33 in SNAP benefits, for which she was not eligible. See Initial Decision at 3, 5, 8; see also Exhibit P-1 at 38. 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 by Respondent pursuant to N.J.A.C. 10:87-11.2(a)(1). See Initial Decision at 8.

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 improperly transferred or trafficked benefits.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondent is ineligible to participate in SNAP for a period of 12 months. I further ORDER that the Agency is to recoup the improperly transferred or trafficked benefits.

Officially approved final version.

Natasha Johnson

Director

JUN 18 2019

