



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 17059-18 M.B.

AGENCY DKT. NO. S496634012 (MIDDLESEX COUNTY BD OF SOC SCVS)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP") program. The Agency asserts that Respondent failed to report household earned income while she was receiving SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. On October 29, 2018, Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail. See Exhibit P-1. 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 December 11, 2018, the Honorable Susan L. Olgiatei, Administrative Law Judge ("ALJ"), held a hearing, took testimony, and admitted documents.

On December 28, 2018, 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 intentionally failed to report her adult child's earned income, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$2,105, for the period of February 2014, through July 2014. *Id.* at 3; see also Exhibits P-4, P-21, and N.J.A.C. 10:87-5.2(a)(1), -9.5.

The record further reflects that on October 5, 2018, Respondent executed an Agreement to Repay Overissued NJ SNAP Benefits ("Agreement") to repay the overissued SNAP benefit amount of \$2,105. See Initial Decision at 3; see also Exhibit P-6. To date, the Agency has recouped a total of \$75, and the Respondent has not made a payment since November 2018. See Initial Decision at 3.

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 6.

No Exceptions to the Initial Decision were filed.



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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. I also direct that Respondent continue to make payments in accordance with the October 5, 2018, Agreement.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondent is hereby disqualified from the receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance, and also ORDER that Respondent continue making payments in accordance with the Agreement, until the overissuance is fully recouped by the Agency.

Officially approved final version.

JAN 10 2019

Natasha Johnson

Director

