



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
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 00614-19 M.S.

AGENCY DKT. NO. C092137015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner Agency charges Respondents, M.S. and H.B., with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondents failed to report receipt of earned income, while also receiving SNAP benefits, thus causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents were properly noticed of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalty via certified mail, return receipt requested. See Exhibit P-1, P-1a. Because Respondents failed to execute and return the waiver of their right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. See Exhibit P-1a at 5-6, 9-10. On February 8, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a hearing, took testimony, and admitted documents. Respondents 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).

On February 21, 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 H.B. had deliberately and intentionally withheld information from the Agency, which resulted in Respondents receiving an overissuance of SNAP benefits, to which they were not entitled. See Initial Decision at 5. Specifically, Respondent H.B. intentionally failed to accurately report earned income, which resulted in an overissuance of \$3,914 in SNAP benefits, for the period of August 2017, through February 2018. Id. at 3, 5; see also Exhibits P-2, P-5; and N.J.A.C. 10:87-5.2(a)(1), N.J.A.C. 10:87-9.5.

The ALJ further found that there is no evidence, direct or otherwise, that M.S. knew that H.B. had filed SNAP applications or Interim Reporting Forms ("IRFs"), or that she knew H.B. had misrepresented his income. See Initial Decision at 6; see also Exhibit P-3, P-4. Accordingly, the ALJ concluded that the Agency had not proven, by clear and convincing evidence, that M.S. deliberately and knowingly participated in H.B.'s IPV, or otherwise committed an IPV on her own. See Initial Decision at 6; see also N.J.A.C. 10:87-11.1(a).



As this was the first IPV committed by H.B., 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.

With respect to M.S., the ALJ reversed the Agency's proposed 12-month disqualification penalty, concluding that there was insufficient evidence to support a finding that M.S. had committed an IPV. *Ibid.*; see also N.J.A.C. 10:87-11.2(k).

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 H.B. 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.

MAR 14 2019

Natasha Johnson
Director

