



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 13486-19 S.M.

AGENCY DKT. NO. C138685015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner Agency charges Respondents, M.T. and S.M., with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondents failed to accurately report household earned income while they were receiving SNAP benefits, thereby causing them to receive an overissuance of benefits to which they were not entitled. On July 24, 2019, Respondents were properly noticed of the Administrative Disqualification Hearing, the charges against Respondents, and the proposed disqualification penalty via certified mail, return receipt requested. See Exhibits P-1 at 1-2, P-2 at 1-2, P-3, P-4. Because Respondents failed to execute and return the waivers of their right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. P-1 at 3-4, P-2 at 3-4. On October 8, 2019, the Honorable Edward J. Delaney, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. Respondents did not appear for the hearing, and after ordering the consolidation of the two separate cases, the ALJ proceeded with the matter ex parte, which is permissible pursuant to our regulatory scheme. See N.J.A.C. 10:87-5.2(a)(1), -5.4(a)(1), and -9.5. The record was left open so that the Agency could provide additional documentation. The additional documentation was submitted on October 16, 2019, and the record closed on that day. Respondents were permitted ten days following the hearing to present good cause for their failure to appear. Respondents provided no explanation or response.

On October 31, 2019, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondents 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 4. Specifically, Respondents intentionally did not accurately report that S.M. had earned income during the period of June, 2018, through April, 2019, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$5,322. Id. at 3, 4; see also Exhibits P-5, P-8, P-9, and N.J.A.C. 10:87-5.2(a)(1), -5.4(a)(1), and -9.5.

As this was the first IPV committed by Respondents, 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 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 the Respondents are 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.

Natasha Johnson
Assistant Commissioner

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