



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 11416-19 S.S.

AGENCY DKT. NO. C121334015 (OCEAN COUNTY BOARD 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 failed to report receipt of earned and unearned income, thus causing Respondent to receive overissuances of benefits to which she was not entitled. On August 2, 2019, Respondent's relative was noticed of the Administrative Disqualification Hearing ("ADH"), the charges against Respondent, and the proposed disqualification penalty, via personal service. See Exhibit P-1 at 1, 3-4. On that same date, Respondent, by way of a telephone call with the Agency, confirmed receipt of the ADH notice. *Id.* at 2; see also N.J.A.C. 10:87-11.5(a)(3)(i)(4). 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 5-6. On September 3, 2019, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a hearing, took testimony, and 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 for Respondent to present good cause for her failure to appear. Respondent did not respond and the record then closed.

On September 16, 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 overissuances of SNAP benefits to which she was not entitled. See Initial Decision at 8, 9. Specifically, Respondent intentionally failed to accurately report employment income and unearned income in the form of Unemployment Insurance Benefits ("UIB"), from August, 2013, through March, 2014, and January, 2018, through November, 2018, which resulted in overissuances to Respondent of SNAP benefits in the amounts of \$2,689, and \$3,580, respectively. See Initial Decision at 6, 7; see also Exhibits P-2, P-4 at 5-7, 8-10, P-8 at 2-5, 6-9, and N.J.A.C. 10:87-5.2(a)(1), -5.4(a)(1), -5.5(a)(2), -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 10.



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 overissuances.

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 overissuances.

OCT 24 2019

Officially approved final version.

Natasha Johnson

Assistant Commissioner

