



State of New Jersey

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*Governor*

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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 02702-20 A.B.

AGENCY DKT. NO. C142260015 (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 household earned income, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. On January 16, 2020, Respondent was timely served with the Administrative Disqualification Hearing ("ADH"), the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested. See Exhibit P-1 at 1, 2-3. 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 4-5. On March 10, 2020, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a hearing, took testimony, admitted documents, and the record closed on that day. 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). On March 16, 2020, the Agency submitted revised calculations of the estimated benefit overissuance to address calculation issues raised during the hearing. Respondent was given ten days following the hearing, to present good cause for her failure to appear. Respondent did not respond within that ten-day period.

On March 31, 2020 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 6. Specifically, Respondent intentionally failed to accurately report her earned income, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$2,111, from the period beginning November, 2018, through May, 2019. See Initial Decision at 2, 4, 5; see also Exhibits P-3, P-4, P-5, P-6, P-7. and N.J.A.C. 10:87-5.2(a)(1), -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 7.



No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, 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 Respondent is disqualified from receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance.

**MAY - 7 2020**

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner

