



State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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*Commissioner*

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*Lt. Governor*

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 02420-20 A.D.

AGENCY DKT. NO. C126299003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"), and the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") program. The Agency asserts that Respondent intentionally failed to report receipt of household unearned income, while she received SNAP, WFNJ/TANF, and Emergency Assistance ("EA") benefits, causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalties, via certified mail, return receipt requested, on January 11, 2020, and January 18, 2020. See Exhibits 37 at pp. 153-154, 38, 39 at pp. 158-159, and 40. Because Respondent failed to execute and return either waiver of her right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. See Exhibit 37 at pp. 155-156. On March 11, 2020, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a hearing, took testimony, admitted documents, and the record then closed. 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). Respondent was given ten days to present good cause for her failure to appear. Respondent did not respond.

On April 1, 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 an overissuance of SNAP, WFNJ/TANF, and EA benefits to which she was not entitled. See Initial Decision at 9. Here, Respondent intentionally did not report the receipt of unearned income, specifically, Unemployment Insurance Benefits ("UIB"), which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$238, and an overissuance of \$322 in WFNJ/TANF benefits, in May, 2014, and an overissuance of EA benefits, in the amount of \$3,660, for the period beginning May, 2014, through June, 2014. Id. at 3, 5-6; see also Exhibits 11, 12, 15, 16, 19, 20; and N.J.A.C. 10:87-5.5(a)(2), -9.5, and N.J.A.C. 10:90-3.9(e), -3.21(a)(1). The sum of the SNAP, WFNJ/TANF, and EA overissuances total \$4,220 (\$238 + \$322 + \$3660).



The record reflects that on October 22, 2019, the Agency applied previously expunged SNAP benefits in the amount of \$213.59, to Respondent's SNAP overpayment, thereby reducing Respondent's total overpayment balance to \$4,006.41 (\$4,220 - \$213.59). See Initial Decision at 5; see also Exhibit 29, and 7 CFR § 273.18(g)(2)(ii)(C).

Additionally, the record notes that Respondent executed a repayment agreement, and made an initial payment of \$50 towards the previous overissuance balance of \$4,006.41. See Initial Decision at 7; see also Exhibit 31. Therefore, the new remaining balance is \$3,956.41 (\$4,006.41 - \$50). See Initial Decision at 5-6; see also Exhibit 31.

As this was the first IPV committed by Respondent, the ALJ ordered the mandatory regulatory penalties of a 12-month disqualification from receipt of SNAP benefits, pursuant to N.J.A.C. 10:87-11.2(a)(1), and a 6-month disqualification from the WFNJ program, pursuant to N.J.A.C. 10:90-11.11(a)(1). See Initial Decision at 9.

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 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, and from receipt of WFNJ benefits for a period of six months. I further ORDER that the Agency is to recoup the overissuances.

APR 23 2020

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner

