



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

PO BOX 716
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 16951-19 A.T.

AGENCY DKT. NO. C285838004 (CAMDEN 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 accurately report household composition, thus causing Respondent to receive an overissuance of benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalty, via certified mail, return receipt requested, on November 25, 2019. See Exhibit P-1 at 1-2, 5. Because Respondent failed to timely execute and return the waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. *Id.* at 3-4. The matter was originally scheduled for January 3, 2020, but was adjourned. On January 16, 2020, the Agency appeared and placed on the record that, on November 26, 2019, it had obtained a sworn statement from a relative of Respondent's child which stated that Respondent had not lived with the relative since February, 2019. Respondent did not appear on January 16, 2020. Accordingly, on that same date, the Agency moved to rescind the action, because although the certified mail containing the Notice of Filing had been sent to the address provided by Respondent, the identity of the person that signed the return receipt could not be verified. Therefore, the matter was rescheduled for February 6, 2020. On that day, the Honorable John S. Kennedy, 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 his failure to appear. Respondent did not respond, and the record then closed on February 17, 2020.

On February 27, 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 benefits to which he was not entitled. See Initial Decision at 4. Specifically, the ALJ found that Respondent had falsely reported in his application for SNAP benefits, that P.T., Respondent's child, had resided in the household, and that Respondent had custody of P.T., which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$444, for the period of



June 11, 2019, through August 1, 2019. Id. at 2, 3; see also Exhibit P-1 at 9-28, 29-30, 33, 34-47 56, and N.J.A.C. 10:87-2.2(a).

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 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 and independent evaluation of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law.

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.

Officially approved final version.

Natasha Johnson
Assistant Commissioner

MAR 16 2020

