



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 02347-20 C.S.

AGENCY DKT. NO. C059566015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner Agency charges Respondents 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, thus causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents were timely served with notice of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalty, via personal service, on January 23, 2020. See Exhibit P-1 at 1, 2-3, 6, 7, 8-9. Because Respondents failed to execute and return the waiver of their 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, 10-11. On March 3, 2020, the Honorable Edward J. Delanoy, Jr., Administrative Law Judge ("ALJ"), held a hearing, took testimony, admitted documents, and the record then closed. Respondents 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). Respondents were given ten days from the date of the hearing to present good cause for their failure to appear. Respondents did not respond.

On March 16, 2020, 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 failed to accurately report household earned income, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$3,233, for the period of June, 2015, through December, 2015. *Id.* at 3, 4; see also Exhibits P-2 at 1, 3-6, P-3, P-4, P-5; and N.J.A.C. 10:87-5.2(a)(1), -5.4(a)(1), -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)(2). See Initial Decision at 4.

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 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 Respondents are ineligible to participate in the SNAP for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

MAR 30 2020

Natasha Johnson
Assistant Commissioner

