



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
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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 17335-19 D.C.

AGENCY DKT NO. C066505006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner Agency charges Respondents, D.C. and O.F., 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 Respondents failed to accurately report household earned income while they were receiving SNAP benefits, thereby causing them to receive an overissuance of benefits to which they were not entitled. On October 24, 2019, Respondent O.F. was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalties, via certified mail, return receipt requested. See Exhibit P-2 at 2-3, 6-7, 10. On November 21, 2019, Respondent D.C. was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty via personal service. See Exhibit P-1 at 2-3, 6-7, 10. Because Respondents failed to execute and return the waivers of their right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as contested cases. See Exhibits P-1 at 4-5, 8-9, P-2 at 4-5, 8-9. On January 2, 2020, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. 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). At the hearing, the Agency moved to consolidate the two matters, and on January 14, 2020, the ALJ entered an Order of Consolidation. Respondents were permitted ten days following the hearing to present good cause for their failure to appear. Respondents provided no explanation or response.

On January 15, 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 and WFNJ/TANF benefits, to which they were not entitled. See Initial Decision at 7. Specifically, Respondents intentionally, and did not accurately report that O.F. had earned income during the period from April, 2019, through July, 2019, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$2,146, and an overissuance of \$1,080 in WFNJ/TANF benefits. Id. at



4, 5; see also Exhibit P-1 at 20-21, 23-31, 32-33, 36, 44-51, 53, 57, 58, and N.J.A.C. 10:87-5.2(a)(1), -5.4(a)(1), and N.J.A.C. 10:90-3.21(a).

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)(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 8.

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 the Respondents are 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.

Officially approved final version.

Natasha Johnson
Assistant Commissioner

FEB 12 2020

