



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Commissioner

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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

AMENDED DECISION

OAL DKT. NO. HPW 17316-19 J.B.

AGENCY DKT. NO. S416498002 (BERGEN COUNTY BD. OF SOC. SVCS.)

A Final Agency Decision ("FAD") was issued in this matter on February 7, 2020. This Amended FAD is being issued to recognize receipt of Exceptions filed by Respondent, and received by this office on February 11, 2020.

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Petitioner received SNAP benefits to which he was not entitled, resulting in an overissuance of benefits which must be recouped. On November 19, 2019, Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalty, via certified mail, return receipt requested. See Exhibit P-1 at 7-8, 9-10. Because Respondent failed to execute and return the waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. *Id.* at 5-6. On January 16, 2020, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a hearing, took testimony, and admitted documents. The record remained open until January 22, 2020, and then closed upon receipt of final documentation from Respondent.

On January 24, 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 3. Specifically, the ALJ found, and Respondent acknowledges, that Respondent failed to advise the Agency of his incarceration from October, 2016, through July, 2017, causing him to be ineligible to receive SNAP benefits for that time period. See Initial Decision at 2, 3; see also Exhibit P-1 at 74, 75, 76, 78, and N.J.A.C. 10:87-2.4(a). The ALJ further found that Respondent had intentionally given someone unauthorized access to his SNAP benefits, and that someone did use Respondent's SNAP benefits while he was incarcerated, resulting in an overissuance to Respondent of SNAP benefits to which he was not entitled, in the amount of \$1,746, for the period beginning November, 2016, through July, 2017. See Initial Decision at 2, 3; see also Exhibit P-1 at 19-20, 23-25, 65-68, 71, 112-113, and N.J.A.C. 10:87-11.3(a)(1). The record further



indicates that, to date, the Agency has recouped \$308 of the total amount of the overissuance, by way of reductions to Respondent's monthly SNAP benefit amount, the last of which having occurred on May 1, 2019. See Exhibit P-1 at 115.

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 4.

Exceptions to the Initial Decision were filed by Respondent on February 11, 2020.

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.

By way of comment, I have reviewed the Exceptions submitted by Respondent, and I find that the arguments made therein do not alter my decision in this matter.

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 continue recouping the outstanding balance of the overissuance.

Officially approved final version.

FEB 12 2020

Natasha Johnson
Assistant Commissioner

