



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Acting 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 07336-20 B.P.

AGENCY DKT. NO. S575228012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioners, J.R. and B.P., challenge the correctness of the Respondent Agency's claim for recovery of Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioners. The Agency asserts that Petitioners received SNAP benefits to which they were not entitled, resulting in an overissuance of benefits which must be repaid. Because Petitioners appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An Order of Consolidation, consolidating Petitioners' four fair hearing requests, was entered on November 23, 2020. See Initial Decision at 2. A hearing on the four claims was initially scheduled for September 18, 2020, but adjourned. Ibid. The matter was rescheduled, and on October 27, 2020, a telephonic plenary hearing was held before the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"). Ibid. The parties were directed to submit written summations of their respective positions. Ibid. The Agency submitted its written statement on November 2, 2020, and Petitioners submitted their written statement on December 1, 2020. Ibid. A second hearing date was then scheduled for February 5, 2021, but was adjourned at Petitioner J.R.'s request. Ibid. The hearing was then rescheduled for a peremptory date of February 26, 2021. Ibid. On February 25, 2021, J.R. advised the ALJ that Petitioner B.P. was unavailable the next day for the hearing due to a 20-day hospitalization. Ibid. The hearing was adjourned, but with the stipulation that Petitioner B.P. provide medical documentation of his inability to participate in the hearing. Ibid. On March 10, 2021, no medical documentation having been forthcoming, a directive was given to Petitioners to provide same no later than March 29, 2021, or their respective requests for fair hearings on the four claims would be dismissed for lack of prosecution. See Initial Decision at 2-3. On April 5, 2021, with no medical documentation having been provided, the ALJ issued an Initial Decision, finding that Petitioners had abandoned their appeals, and therefore ordering that said appeals be dismissed.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision, and I hereby ADOPT the ALJ's Initial Decision, dismissing Petitioners' appeals, and AFFIRM the Agency's overissuance claims.



Based on the foregoing, I ORDER and direct the Agency to proceed to recoup the overissuances.
Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determinations are AFFIRMED.

Officially approved final version. MAY 11 2021

Natasha Johnson
Assistant Commissioner

