



State of New Jersey

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Acting 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

FINAL DECISION

OAL DKT. NO. HPW 01646-21 C.H.

AGENCY DKT. NO. C061466005 (CAPE MAY COUNTY WELFARE BOARD)

Petitioner Agency seeks a finding that Respondent committed 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 she was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on December 24, 2020. See Exhibit P-1 at 28, 29-30, 33. Because Respondent failed to timely execute and return the waiver of her right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. See Exhibit P-1 at 31-32. On March 11, 2021, the Honorable Dorothy Incarvito-Garrabrant, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. Respondent did not call in 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 her failure to appear. Respondent did not respond. On March 15, 2021, Petitioner Agency supplied evidence to clarify and supplement the calculations at issue, which were presented during the hearing.

On March 24, 2021, 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 she was not entitled. See Initial Decision at 9. Specifically, the ALJ found that Respondent had failed to report that her minor child was removed from her home on June 19, 2020, and no longer resided with Respondent, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$508 for the period of November, 2020, through December, 2020. Id. at 7, 9; see also Exhibit P-1 at 1, 5-10, 35, 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 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. Notably, the Agency is not seeking repayment of the overissuance amount. *Id.* at 7. The Agency only seeks a determination that Respondent committed an IPV, which consequently, results in a period of disqualification from receipt of SNAP benefits, as outlined above.

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 AFFIRM the ALJ's determination that Respondent committed an IPV.

Officially approved final version. **APR - 8 2021**

Natasha Johnson
Assistant Commissioner

