



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
Lt. Governor

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 01648-21 D.S.

AGENCY DKT. NO. C030866005 (CAPE MAY COUNTY WELFARE BOARD)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"), the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") programs. The Agency asserts that Respondent failed to report a change in household composition while he was receiving SNAP, WFNJ/TANF, and EA benefits, thus causing Respondent to receive overissuances of benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalties, via certified mail, return receipt requested, on December 24, 2020. See Exhibit P-1 at 44, 46, 47-48, 53-54, 55. Because Respondent failed to execute and return either waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. *Id.* at 49-50, 51-52. 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 in accordance with our regulatory scheme. See N.J.A.C. 1:10-14.1(d). On March 15, 2021, the Agency supplied additional evidence to clarify and supplement the calculations at issue, which was 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, WFNJ/TANF, and EA benefits to which he was not entitled. See Initial Decision at 6. Specifically, Respondent intentionally did not accurately report that his three children, with whom he shared with S.M, the children's biological mother, had resided with S.M. in North Carolina since June, 2020, which resulted in a change of household composition, and an overissuance of SNAP benefits to Respondent in the amount of \$1,856 for the period beginning August, 2020, through November, 2020, and an overissuance of WFNJ/TANF and EA benefits in the amounts of \$1,932 and \$4,373, respectively, for the period beginning August, 2020, through October, 2020. *Id.* at 5, 7; see also Exhibits P-2, P-3, P-4; and N.J.A.C. 10:87-5.2(a)(1), -9.5, and N.J.A.C. 10:90-3.21(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). The ALJ also ordered a 12-month disqualification from receipt of WFNJ/TANF and EA benefits. See Initial Decision at 10. However, the disqualification penalty for a first IPV violation of the WFNJ program is six months. See N.J.A.C. 10:90-11.11(a)(1). Accordingly, because this is Respondent's first IPV of the WFNJ program, I am ordering a 6-month disqualification from the WFNJ program, pursuant to N.J.A.C. 10:90-11.11(a)(1). The Initial Decision is modified on this basis.

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 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 overissuances.

Accordingly, based upon the foregoing, the Initial Decision in this matter is MODIFIED based upon the discussion above, and I ORDER that Respondent is 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.

APR - 8 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

