



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 05028-21 E.B.

AGENCY DKT. NO. C084545003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner Agency charges Respondents, E.B. and C.L., 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 intentionally failed to report receipt of household earned income, while they received SNAP and WFNJ/TANF benefits, causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents were properly noticed of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalties, via certified mail, return receipt requested, on April 29, 2021. See Initial Decision at 2. Because Respondents failed to execute and return either waiver of their right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. On June 23, 2021, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a telephonic plenary 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). Respondents were given ten days to present good cause for their failure to appear. Respondents did not respond. Petitioner was given time to forward documents to the tribunal, which were received on June 29, 2021. The record was held open for an additional five days, to ascertain if Respondents would make any filing. Respondents did not, and the record then closed on July 9, 2021.

On July 29, 2021, 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 11, 13. Here, Respondents intentionally did not report the receipt of earned income, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$2,944, for the periods of May, 2014, through July, 2014; September, 2014, through February, 2015, and April, 2015, through June, 2015, and an overissuance of \$5,207 in WFNJ/TANF benefits, for the periods of May, 2014, through June, 2014, and September, 2014, through July, 2015. Id. at 2, 11; see also Exhibits 5, 6, 7, 8, 9, 10; and N.J.A.C.



10:87-5.4(a)(1), (2), -9.5, and N.J.A.C. 10:90-3.9(c), -3.21(a)(1). The sum of the SNAP and WFNJ/TANF overissuances total \$8,151 (\$2,944 + \$5,207). See Initial Decision at 6; see also Exhibit 9.

As this was the first IPV committed by Respondents, the ALJ ordered the mandatory regulatory penalties 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 14.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, 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 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.

AUG 26 2021

Natasha Johnson
Assistant Commissioner

