



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 03775-21 E.B.

AGENCY DKT. NO. C291450004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency also seeks to recoup an overpayment of SNAP benefits in the amount of \$1,079, as it asserts that Respondent improperly used her SNAP benefits during a period from August, 2018, through January, 2019. On April 6, 2021, Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested. Because Respondent failed to execute and return the waiver of her right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. On June 3, 2021, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed.

On June 8, 2021, the ALJ issued an Initial Decision, which found that the Agency had not met its burden in establishing, by clear and convincing evidence, that Respondent intentionally concealed facts, and participated in the transferring or trafficking of SNAP benefits. See Initial Decision at 10; see also N.J.A.C. 10:87-11.5(a)(4)(i), -(6). Specifically, the ALJ found no evidence in the record that Respondent used her Electronic Benefit Transfer ("EBT") card to obtain cash or consideration, other than eligible food. *Id.* at 9; see also Exhibit P-1 at 14-16, 71-81, 83-102, and N.J.A.C. 10:87-11.3 (a)(1), (2). The ALJ further found no evidence in the record that Respondent attempted to buy, sell, steal or otherwise misuse her EBT card for cash or consideration, directly, indirectly, or in complicity or collusion with others. See Initial Decision at 9. Accordingly, based upon the record presented, the ALJ concluded that Respondent did not commit an IPV, and reversed the Agency action disqualifying Respondent from receipt of SNAP benefits. See Initial Decision at 10; see also N.J.A.C. 10:87-11.2(a)(1). The ALJ further concluded that Respondent does not owe the \$1,079 repayment.

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.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter.

Officially approved final version. JUL - 1 2021

Natasha Johnson
Assistant Commissioner

