



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

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 00978-21 E.C.

AGENCY DKT. NO. C033065005 (CAPE MAY COUNTY WELFARE BOARD)

Petitioner Agency ("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 income, and 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, initially scheduled for February 18, 2021, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on November 30, 2020. See Exhibit P-1 at 57-58, 61, 62. 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. *Id.* at 59-60. On February 16, 2021, the Agency advised that it was unable to participate in the hearing due to its representative being hospitalized. See Initial Decision at 2. The matter was rescheduled for April 1, 2021, and Respondent was personally served notice of the rescheduled hearing date. *Ibid.* On April 1, 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). Respondent was given ten days to present good cause for her failure to appear, but did not contact OAL. On April 19, 2021, the Agency advised the OAL that it did not need to supplement the calculations at issue, which were presented during the hearing.

On April 21, 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 12. Specifically, the ALJ found that Respondent had failed to report that her minor children were removed from her home on January 18, 2019, and no longer resided with Respondent, and that she had knowingly concealed and did not report her spouse's earned income, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$4,679 for the period of February, 2019, through October, 2020. *Id.* at 6, 7, 8, 9; see also Exhibit P-1 at 1, 3, 15-20, 113, 114, 115-120, 123-126, and N.J.A.C. 10:87-2.2(a), -5.2(a)(1), -9.5.



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 12.

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, and ORDER that Respondent is disqualified from receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

MAY 11 2021

Natasha Johnson
Assistant Commissioner

