



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
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 **03230-23 J.C.**

AGENCY DKT. NO. **C047024002 (BERGEN COUNTY BD. OF SOC. SVCS.)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP") program. The Agency asserts that Respondent improperly transferred his SNAP benefits, specifically, by permitting an out of state relative to access and use his SNAP benefits. On February 28, 2023, Respondent was properly noticed of the Administrative Disqualification Hearing ("ADH"), the charges against him, and the proposed disqualification penalty, via certified mail, return receipt requested. See Exhibit P-1 at 11-12, 13, 14. Because Respondent failed to execute and return the waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. *Id.* at 9-10. On May 2, 2023, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a telephonic hearing, took testimony, admitted documents, and the record then closed. Respondent 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).

On that same date, 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 participated in the improper transferring of SNAP benefits. See Initial Decision at 8. Specifically, the ALJ found that Respondent, while a resident of New Jersey, intentionally allowed his daughter, who resided in North Carolina, to access and use his SNAP benefits. *Id.* at 2, 8, 9; see also Exhibit R-1 at 1-2, 3, 5, and N.J.A.C. 10:87-11.3(a)(1), (2). The ALJ further found that Respondent's daughter was not a part of Respondent's household, and therefore, was not eligible to use Respondent's SNAP benefits. See Initial Decision at 9; see also N.J.A.C. 10:87-2.2, and 7 U.S.C. 2016(a).

Based upon the ALJ's finding that Respondent had committed an IPV, thereby warranting disqualification from the receipt of SNAP benefits, 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. I agree.



Additionally, while I agree with the ALJ's conclusion that Respondent committed an IPV, warranting a 12-month disqualification period from receipt of SNAP benefits, it should be noted that with respect to matters wherein IPV's are alleged to have been committed, the Agency is responsible for initiating an ADH. See N.J.A.C. 10:87-11.1. Accordingly, as the Agency is the party requesting relief in an IPV case, it is the "Petitioner." See N.J.A.C. 1:1.2.1, "Definitions." Conversely, the party responding to the Agency's request for relief in an IPV case is the "Respondent." Ibid. Here, J.C., was incorrectly referred to as "Petitioner," when he was, in fact, the Respondent. The Agency was incorrectly referred to as "Respondent" throughout the Initial Decision, when it should have referred to as Petitioner. Therefore, the Initial Decision is modified so as to reflect the correct designation of the parties.

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, the Initial Decision is hereby MODIFIED, as outlined above.

Accordingly, based upon the foregoing, I hereby MODIFY the Initial Decision in this matter, and ORDER that Respondent is disqualified from the receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the improperly transferred benefits.

Officially approved final version. July 25, 2023

Natasha Johnson
Assistant Commissioner

