



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 **10014-22 A.S.**

AGENCY DKT. NO. **C061367003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner Agency charges Respondents, All.S., A.S., and G.S., with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that All.S. intentionally failed to report receipt of household earned income, while she, and A.S., her adult daughter living at home and part of the SNAP household, and G.S., her adult son, also living at home and included as a part of the SNAP household, received SNAP benefits, thus causing them to receive an overissuance of benefits to which they were not entitled. Respondents were noticed of the Administrative Disqualification Hearing ("ADH"), the charges against them, and the proposed disqualification penalties, via certified mail, return receipt requested, on September 30, 2022. See Exhibits P-13, P-14. On October 17, 2022, the certified mail envelope to G.S. was returned as "undeliverable," indicating that delivery to G.S. was attempted, but that the addressee was unknown. Because Respondents failed to execute and return the waiver of their right to a hearing, the matters were transmitted to the Office of Administrative Law ("OAL") for a hearing. See Exhibit P-12. All three matters, docketed under OAL Docket Nos. HPW 10014-22 (All.S.), HPW 10015-22 (A.S.), and HPW 10017-22 (G.S.) were consolidated for purposes of hearing. See N.J.A.C. 1:1-17.3. On December 12, 2022, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, 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). On December 15, 2022, in response to questions posed at the hearing by the ALJ, the Agency submitted a supplemental filing with exhibits. Thereafter, Respondents did not contact the OAL within 10 days to explain their lack of appearance, and the record then closed on December 27, 2022.

On January 5, 2023, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that All.S. had deliberately and intentionally withheld information from the Agency, which resulted in Respondents receiving an overissuance of SNAP benefits, to which they were not entitled. See Initial Decision at 6. Specifically, the ALJ found that All.S., while receiving SNAP benefits, intentionally did not report the receipt of household earned income, specifically income earned by her adult son, G.S., who lived in the same household, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$8,697, for the period



beginning August, 2017, through May, 2018. Id. at 2, 3, 5-6; see also Exhibits P-3, P-4, P-7, P-8, P-16, and N.J.A.C. 10:87-5.4, -9.5.

The ALJ also found that A.S. and G.S., as adult members living in the household at the time when the overpayment of SNAP benefits occurred, are also responsible for repayment of the SNAP benefits overpayment totaling \$8,697. See Initial Decision at 6; see also N.J.A.C. 10:87-11.2(k), -11.20(d)(1).

As this was the first IPV committed by All.S., 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 6.

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 overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondent All.S. 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. January 31, 2023

Natasha Johnson
Assistant Commissioner

