



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **10403-22 B.W.**

AGENCY DKT. NO. **C015213003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner Agency charges Respondents, B.W. and M.W., with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that M.W. intentionally failed to report receipt of household unearned income, while he and B.W., his spouse, 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 29, 2022. See Exhibits P-19, P-20. 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-18. Both matters, docketed under OAL Docket Nos. HPW 10403-22 (B.W.) and HPW 10404-22 (M.W.), were consolidated for purposes of hearing. See N.J.A.C. 1:1-17.3. On December 5, 2022, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed.

On December 23, 2022, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that M.W. 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 5. Specifically, the ALJ found that M.W., while receiving SNAP benefits, intentionally did not report the receipt of household unearned income, specifically, Unemployment Insurance Benefits ("UIB"), and Retirement, Survivors and Disability Insurance ("RSDI") benefits, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$1,870, for the period beginning November, 2020, through April, 2021. *Id.* at 2, 3, 5; see also Exhibits P-1, P-2, P-3, P-4, P-5, P-6, P-11, P-13, P-14, and N.J.A.C. 10:87-5.5, -9.5.

The ALJ also found that B.W., as an adult member living in the household at the time when the overpayment of SNAP benefits occurred, is also responsible for repayment of the SNAP benefits overpayment totaling \$1,870. See Initial Decision at 5, 6; see also N.J.A.C. 10:87-11.2(k), -11.20(d)(1).



As this was the first IPV committed by M.W., 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 M.W. 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 24, 2023

Natasha Johnson
Assistant Commissioner

