



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 **10408-22 S.H.**

AGENCY DKT. NO. **C073818003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner Agency charges Respondents, S.H. and M.B., with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondents intentionally failed to report receipt of household earned income, while they 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, the charges against them, and the proposed disqualification penalties, via certified mail, return receipt requested, on September 30, 2022. See Exhibits P-16, P-17. 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-15. Both matters, docketed under OAL Docket Nos. HPW 10407-22 (M.B.) and HPW 10408-22 (S.H.), were consolidated for purposes of hearing. See N.J.A.C. 1:1-17.3. On December 7, 2022, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed on December 19, 2022. 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 21, 2022, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondents 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 4, 5. Specifically, the ALJ found that S.H., while receiving SNAP benefits, intentionally did not report the receipt of household earned income, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$2,013.58, for the period beginning March, 2017, through July, 2017. Id. at 2, 3, 4, 5; see also Exhibits P-4, P-5, P-6, P-10, P-11, P-6, P-11, P-20, and N.J.A.C. 10:87-5.4, -9.5. The ALJ further found that both Respondents had committed their first IPV, and ordered that pursuant to N.J.A.C. 10:87-11.2(a)(1), the mandatory regulatory penalty of a 12-month disqualification from receipt of SNAP benefits, be applied to both Respondents. See Initial Decision at 6.



While I agree that Respondent S.H. committed an IPV when she failed to report her employment income, and therefore, should be disqualified from receiving SNAP benefits for a period of 12 months, I respectfully disagree with the ALJ's finding that Respondent M.B. should also be disqualified for 12 months from receiving SNAP benefits. Pursuant to applicable regulatory authority, an Agency shall only disqualify the individual found to have committed the IPV, and not the entire household. See N.J.A.C. 10:87-11.2(k). Here, the record indicates that Respondent S.H. completed an Interim Reporting Form, and did not report her employment, or income from employment. See Initial Decision at 3; see also Exhibit P-5. The ALJ found that S.H. was required to report this income, and that her failure to report it, resulted in excess SNAP benefits paid to the household. Ibid. Therefore, based upon my independent review of the record, I find that Respondent S.H. alone committed an IPV, and must be disqualified from receipt of SNAP benefits for 12 months. However, I also do find that, in accordance with applicable regulatory authority, M.B., 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 \$2,013.58. See N.J.A.C. 10:87-11.2(k), -11.20(d)(1). The Initial Decision is modified to reflect these findings.

No Exceptions to the Initial Decision were filed.

I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the discussion above, I hereby MODIFY the Initial Decision in this matter, and ORDER that Respondent S.H. 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 25, 2023

Natasha Johnson
Assistant Commissioner

