



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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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 **02603-23 E.A.**

AGENCY DKT. NO. **C062368005 (CAPE MAY COUNTY WELFARE BOARD)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"), and the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") program. The Agency asserts that Respondent intentionally failed to accurately report his household composition while he received SNAP and WFNJ/TANF benefits, thereby causing Respondent to receive overissuances of benefits to which he was not entitled. Respondent was properly noticed of the SNAP and WFNJ Administrative Disqualification Hearings, the charges against him, and the proposed disqualification penalties, via personal service, on January 26, 2023. See Exhibit P-1 at 131, 132-133, 134-135, 136. Because Respondent failed to execute and return either waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for an April 13, 2023, hearing. *Id.* at 121-122, 127-128. Respondent sent multiple requests to adjourn the April 13, 2023, hearing, alleging that he may seek representation by counsel, and that he did not receive the Agency's documents, which had been mailed to him. Respondent was directed to call in to the April 13, 2023, hearing to discuss his requests, but did not do so. Respondent's request to adjourn the April 13, 2023, hearing was granted, and the matter was rescheduled. Petitioner Agency again mailed its documents to Respondent by regular and certified mail. On the rescheduled hearing date of May 4, 2023, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. 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). Respondent was given ten days to present good cause for his failure to appear. Respondent did not respond, and the record then closed on May 14, 2023.

On May 19, 2023, 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 and WFNJ/TANF benefits, to which he was not entitled. See Initial Decision at 10-11. The ALJ found that Respondent, while receiving SNAP and WFNJ/TANF benefits, deliberately and intentionally did not report changes in his household composition, specifically, that Respondent's child did not reside in the



same household as Respondent, but resided in another state, which resulted in an overissuance to Respondent in the amount of \$2,431 in SNAP benefits, for the period of June, 2022, through February, 2023, and an overissuance of \$3,746 in WFNJ/TANF benefits, for the period beginning May, 2022, through February, 2023. Id. at 3, 4, 5, 7; see also Exhibit P-1 at 1-7, 8-67, 68-116, 140-143, 144-147; and N.J.A.C. 10:87-2.2, -9.5, and N.J.A.C. 10:90-2.7, -3.21(a)(1).

As this was the first IPV committed by Respondent, the ALJ ordered the mandatory regulatory penalties of a 12-month disqualification from receipt of SNAP benefits, pursuant to N.J.A.C. 10:87-11.2(a)(1), and a 6-month disqualification from the WFNJ program, pursuant to N.J.A.C. 10:90-11.11(a)(1). See Initial Decision at 11.

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 overissuances.

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, and from receipt of WFNJ benefits for a period of six months. I further ORDER that the Agency is to recoup the overissuances.

Officially approved final version. July 26, 2023

Natasha Johnson
Assistant Commissioner

