



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 **00878-23 B.S.**

AGENCY DKT. NO. **S456014006 (CUMBERLAND COUNTY BD OF SOC SVCS.)**

Petitioner Agency charges Respondent with committing an intentional program violation (“IPV”) of the Work First New Jersey/General Assistance (“WFNJ/GA”) program during the period from March through May 2019. Petitioner Agency asserts that Respondent failed to report earned income while receiving WFNJ/GA benefits, thus causing him to receive an overissuance of benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalty, via certified mail and regular mail, on December 12, 2022. See Exhibit P-1 at 2-6. 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. See Exhibit P-1 at 4. On February 27, 2023, the Honorable Kathleen M. Calemno, 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 provided 10 days, following the conclusion of the testimony, to show good cause for his failure to appear, or otherwise submit additional documentation. No response was received, and the record then closed.

On March 7, 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 failed to disclose his employment income on his WFNJ/GA redetermination application, which resulted in Respondent receiving an overissuance of WFNJ/GA benefits to which he was not entitled. See Initial Decision at 3-6; see also Exhibits P-1 at 11, 13-15, 20, 25, 37-39, 52, and P-2. The record also reflects that Respondent was given the opportunity to provide verification of his employment in order to avoid the IPV, but failed to do so. See Initial Decision at 4; see also P-1 at 11-12. As such, Respondent was ineligible for the WFNJ/GA benefits he had received for March, April, and May 2019, which resulted in an overissuance of WFNJ/GA benefits to Respondent in the amount of \$462, and his WFNJ/GA benefits were terminated. See Initial Decision at 4; see also Exhibit P-1 at 26, 37-39, and P-3, and N.J.A.C. 10:90-3.1, -3.8, -3.21(a).



As this was the first IPV committed by Respondent, the ALJ ordered the mandatory regulatory penalty of a six-month disqualification from receipt of WFNJ/GA benefits, pursuant to N.J.A.C. 10:90-11.11(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 and 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 is disqualified from receipt of WFNJ benefits for a period of six months. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version. May 11, 2023

Natasha Johnson
Assistant Commissioner

