



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **08472-23 J.F.**

AGENCY DKT. NO. **C148665009 (HUDSON COUNTY DIVISION OF WELFARE)**

Petitioner Agency charges Respondent with committing an intentional program violation (“IPV”) of the Supplemental Nutrition Assistance Program (“SNAP”). The Agency asserts that Respondent failed to accurately report household composition, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via personal service on July 31, 2023. See Initial Decision at 2; see also Exhibit P-1 at 12-15. Respondent confirmed receipt of service via email sent from herself to the Agency on the same day. *Id.* at 2; see Exhibit P-1 at 15. Because Respondent failed to timely execute and return the waiver of her right to a hearing, the matter was transmitted to the Office of Administrative Law (“OAL”) for a hearing as a contested case. *Id.* at 2. On September 13, 2023, the Honorable Kimberly A. Moss, Administrative Law Judge (“ALJ”), held a telephonic plenary hearing, took testimony, and admitted documents. On September 15, 2023, the ALJ issued an Initial Decision, affirming that an IPV had occurred in this matter.

On October 10, 2023, and October 17, 2023, Respondent filed what purports to be Exceptions to the Initial Decision.

As Assistant Commissioner, Division of Family Development (“DFD”), Department of Human Services, I have reviewed the ALJ’s Initial Decision and the record, and I hereby MODIFY the ALJ’s Initial Decision, based on the discussion below.

N.J.A.C. 10:87-2.2(a)(3) defines a SNAP household as “a group of individuals living together for whom food is purchased in common and for whom meals are prepared together for home consumption.”

A SNAP household is required to report any changes in household composition to the Agency. See N.J.A.C. 10:87-9.5(b)(1)(iii).

Intentional Program Violations (“IPV”) occur when SNAP benefits are issued as the result of an intentionally false or misleading statement, misrepresentation, concealment or withholding of facts, or



when SNAP benefits are improperly used, presented, transferred, acquired, possessed, received or trafficked. See N.J.A.C. 10:87-11.3(a)(1), (2). If the individual alleged to have committed an IPV does not waive their right to a hearing, and the matter then proceeds to an ADH, the ALJ shall then base the finding of an IPV on clear and convincing evidence, which demonstrates that the household member committed, and intended to commit, an IPV. See N.J.A.C. 10:87-11.5(a)(6).

The record reflects that on April 17, 2023, the Agency received an email, asserting that Respondent had allegedly been committing SNAP benefits fraud for years. See Exhibit P-1 at 6. As a result, on May 10, 2023, the Agency initiated an investigation. See Exhibits P-1 at 3-5; 6. On that same day, Respondent spoke with the Agency and claimed that her household composition had been reduced due to domestic violence between household members in January 2023. Id. at 7. Respondent acknowledged that she had a pending "DYFS" case, and that she had been informed that she must continue to provide food and clothing for the former household member. See Exhibit P-1 at 7. Based on the record presented, the ALJ determined that the Agency had provided sufficient evidence to prove that Respondent had intentionally violated SNAP regulations by failing to report the change in household composition. See Initial Decision at 4-5. Therefore, the ALJ found that Respondent had committed an IPV, and that a 12-month SNAP program disqualification should be imposed. Id. at 4-5.

Based on an independent review of the record, I agree with the ALJ that the Agency has provided clear and convincing evidence of an IPV in this matter, as the record shows, and Respondent admitted, that her SNAP household composition had changed in January 2023, without reporting such change to the Agency, as required by applicable regulatory authority. See Initial Decision at 2, 4; see also Exhibit P-1 at 7 and N.J.A.C. 10:87-9.5(b)(1)(iii). As such, I direct that Petitioner is to be disqualified from receipt of SNAP benefits for a period of 12-months. See N.J.A.C. 10:87-11.2(a)(1).

By way of comment, as the Agency is the party requesting relief in an IPV case, it is the "Petitioner." See N.J.A.C. 1:1.2.1, "Definitions." Conversely, the party responding to the Agency's request for relief in an IPV case is the "Respondent." Ibid. In the Initial Decision, J.F., was incorrectly referred to as "Petitioner," when she was, in fact, the Respondent. The Agency was incorrectly referred to as "Respondent" throughout the Initial Decision, when it should have been referred to as Petitioner. The parties are correctly identified in this Final Agency Decision. Accordingly, the Initial Decision is also modified so as to reflect the correct designation of the parties.

Accordingly, based upon the foregoing, I hereby MODIFY the Initial Decision in this matter, and ORDER that Respondent is disqualified from receipt of SNAP benefits for a period of 12 months.

Officially approved final version.

November 06, 2023

Natasha Johnson
Assistant Commissioner

