



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 **04685-21 F.I.**

AGENCY DKT. NO. **C030901014 (MORRIS CO. DIV. EMP. & TEMP ASST)**

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 her household composition, while she was receiving SNAP and WFNJ/TANF benefits, thereby 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 penalties, via certified mail, return receipt requested, on April 14, 2021. See Exhibits P-1, P-2 at 1, 2. Because Respondent failed to execute and return either 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. See Exhibit P-2 at 3-4. On June 8, 2021, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Respondent did not call in 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). The matter was later re-opened for supplemental argument on February 10, 2022, and the record then closed that day.

On February 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 deliberately and intentionally withheld information from the Agency, which resulted in Respondent receiving an overissuance of SNAP and WFNJ/TANF benefits, to which she was not entitled. See Initial Decision at 6. Specifically, the ALJ found that Respondent, while receiving SNAP and WFNJ/TANF benefits, deliberately and intentionally did not report that she had lost physical custody of her child, who was used as a factor in determining eligibility for SNAP and WFNJ/TANF benefits, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,298, and an overissuance of \$2,092 in WFNJ/TANF benefits, for the period beginning September, 2016, through March, 2017. Id. at 2, 3; see also Exhibit P-3, and N.J.A.C. 10:87-5.4(a)(1), (2), -9.5, and N.J.A.C. 10:90-3.9(c), -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 12-month disqualification from the WFNJ program. See Initial Decision at 3. While I agree that Respondent committed an IPV of the WFNJ/TANF and SNAP programs, pursuant to regulatory authority, only a 6-month disqualification penalty from the WFNJ program is warranted. See N.J.A.C. 10:90-11.11(a)(1). Accordingly, I am modifying the Initial Decision to reflect that Respondent, as a result of being found to have committed an IPV of the WFNJ program, is disqualified from receiving or participating in the WFNJ program for six months. The Initial Decision is modified to reflect this finding.

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.

By way of comment, with respect to a matter alleging an IPV, the Agency is responsible for initiating an administrative disqualification hearing. See N.J.A.C. 10:87-11.1. Accordingly, 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, F.I., 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 be have 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 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.

March 22, 2023

Natasha Johnson
Assistant Commissioner

