



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 **09466-22 M.W.**

AGENCY DKT. NO. **S620915012 (MIDDLESEX COUNTY BD OF SOC SCVS)**

Petitioner Agency charges Respondent with committing an intentional program violation (“IPV”) of the Work First New Jersey/Temporary Assistance for Needy Families (“WFNJ/TANF”) program. Petitioner Agency asserts that Respondent failed to report a change in household income while receiving WFNJ/TANF benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. On September 22, 2022, Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail. See Exhibits P-1, P-2. Because Respondent failed to execute and return the waiver of her right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. See Exhibit P-3. On November 15, 2022, the Honorable Joan M. Burke, Administrative Law Judge (“ALJ”), held a telephonic 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). The record was left open for 10 days following the conclusion of the testimony, to allow Respondent to show good cause for her failure to appear. No response was received, and the record then closed on November 25, 2022.

On December 16, 2022, 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 WFNJ/TANF benefits to which she was not entitled. See Initial Decision at 6. Specifically, the ALJ found that Respondent intentionally did not accurately report income that she earned from employment, which resulted in an overissuance of WFNJ/TANF benefits to Respondent in the amount of \$1,502, for the period beginning March, 2022, through June, 2022. See Initial Decision at 2-3, 4, 5; see also Exhibits P-4, P-5, P-7, P-8, P-9, P-12, and N.J.A.C. 10:90-3.9(b), (c).

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/TANF 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. January 24, 2023

Natasha Johnson
Assistant Commissioner

