



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **04642-23 M.S.**

AGENCY DKT. NO. **C172841015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency charges Respondents, M.S. and M.A., separately, with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondents intentionally failed to accurately report household composition and earned income, while they received SNAP benefits, thus causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents were properly noticed of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalties, via certified mail, return receipt requested, on February 21, 2023. See Exhibit P-1 at 1, 2-3, 6, 7-8. Because Respondents failed to execute and return the waiver of their right to a hearing, their separate matters were transmitted to the Office of Administrative Law ("OAL") for hearings as contested cases. *Id.* at 4-5, 9-10. On June 27, 2023, at the commencement of the hearing, on Petitioner's motion, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), consolidated Respondents' separate matters, docketed under OAL Docket Nos. HPW 04642-23 (M.S.) and HPW 04643-23 (M.A.). See N.J.A.C. 1:1-17.3(a). Thereafter, on that same date, the ALJ held a telephonic plenary hearing, took testimony, and admitted documents. Respondents 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). Respondents were given ten days following the hearing, to present good cause for their failure to appear. Respondents did not respond, and the record then closed on July 7, 2023.

On July 11, 2023, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondents, M.S. and M.A., had deliberately and intentionally withheld information from the Agency, which resulted in Respondents receiving an overissuance of SNAP benefits, to which they were not entitled. See Initial Decision at 6. The ALJ found that Respondent M.A. intentionally did not accurately report changes in her household composition and household income, specifically, that M.S. had lived in the same household with M.A, and that M.S. received unearned income, in the form of disability checks from his employer, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$3,672, for the period of December, 2021, through July, 2022. *Id.* at 4, 5; see also Exhibits P-2, P-3, P-4, P-5, P-6, P-7, and N.J.A.C. 10:87-2.2, -5.5, -9.5.



As this was the first IPV committed by Respondents, the ALJ ordered the mandatory regulatory penalty of a 12-month disqualification from receipt of SNAP benefits, pursuant to N.J.A.C. 10:87-11.2(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 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 overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondents, M.S. and M.A., are disqualified from receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version. July 20, 2023

Natasha Johnson
Assistant Commissioner

