



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 **06396-23 R.D.**

AGENCY DKT. NO. **C162929015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP") program. The Agency asserts that Respondent intentionally failed to accurately report changes in household income, while she received SNAP 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 penalty, via certified mail, return receipt requested, on April 28, 2023. See Exhibit P-1 at 1, 2-3. 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 ("OAL") for a hearing as a contested case. Id. at 4-5. On the initial hearing date of August 1, 2023, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Respondent did not appear, but the Agency's witness testified and introduced documents into evidence, and the record closed that day. On August 8, 2023, Respondent wrote in an email to the OAL, that she failed to appear for the August 1, 2023, hearing, because she was required to respond to an unexpected work-related emergency. The record was then reopened to permit Respondent's testimony. The hearing was continued on August 22, 2023, during which the Agency's witness testified and addressed the exhibits that had been entered into evidence. Respondent also testified, and the record closed again that day.

On September 1, 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 benefits, to which she was not entitled. See Initial Decision at 7. The ALJ found that Respondent, while receiving SNAP benefits, deliberately and intentionally misrepresented her earned income, specifically, by providing paystubs that were inconsistent with her employer's records, which resulted in an overissuance to Respondent in the amount of \$3,485.44 in SNAP benefits, for the period of December, 2018, March, 2019, through May, 2019, and August, 2019, through February, 2020. Id. at 2, 3, 4, 5, 6; see also Exhibits P-2, P-3, P-4, P-5, P-6, P-7; and N.J.A.C. 10:87-5.4(a)(1), (2), -9.5.



As this was the first IPV committed by Respondent, 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 8.

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 Respondent is 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. September 14, 2023

Natasha Johnson
Assistant Commissioner

