



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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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 **04639-23 S.H.**

AGENCY DKT. NO. **C086534015 (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 her household composition 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 25, 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 June 9, 2023, Respondent requested, and was granted, with the Agency's consent, an adjournment of the June 13, 2023, telephonic hearing. On the rescheduled date of June 26, 2023, the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ"), held a telephonic plenary 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). Respondent was given ten days to present good cause for her failure to appear. On June 26, 2023, several hours after the scheduled hearing time, Respondent notified the OAL, advising that personal issues led to her failure to appear at the hearing, and requested another hearing date. The rescheduled hearing was conducted on June 28, 2023, with the Agency again presenting its proofs, and the record then closed.

On July 6, 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 6. The ALJ found that Respondent, while receiving SNAP benefits, deliberately and intentionally did not report changes in her household composition, specifically, that her spouse, R.B., was incarcerated, although she reported him as part of the SNAP household, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$4,494, for the period of April, 2019, through July, 2021. *Id.* at 3, 4, 5-6; see also Exhibits P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P-10; and N.J.A.C. 10:87-2.2(b), -2.4(a), -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 7.

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. July 13, 2023

Natasha Johnson
Assistant Commissioner

