



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **08760-23 T.G.**

AGENCY DKT. NO. **C172285015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency charges Respondents, A.H. and T.G., 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 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 August 15, 2023. See Exhibit P-1. 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. See Initial Decision at 4, 6; see also Exhibit P-1. On October 10, 2023, the Honorable Judith Lieberman, Administrative Law Judge ("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. On October 25, 2023, Respondents' separate matters were consolidated, docketed at OAL Docket Nos. HPW 08772-23 (A.H.) and HPW 08760-23 (T.G.). See N.J.A.C. 1:1-17.3(a).

On October 27, 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, A.H., 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 A.H. intentionally did not accurately report changes in household income, specifically, that T.G. had earned income, which resulted in an overissuance of SNAP benefits to Respondents in the total amount of \$8,432.00, for the periods of June 2022, through January 2023. Id. at 3; see also Exhibits P-2, P-3, P-4, and N.J.A.C. 10:87-5.5, -9.5. I agree with the ALJ's finding.

The ALJ also found that the Agency had failed to establish, by clear and convincing evidence, that T.G. was aware of the misrepresentations made by A.H. when she failed to report T.G.'s earned



income. See Initial Decision at 6. As such, the ALJ concluded that T.G. had not committed an IPV, and was therefore not subject to a period of disqualification from receipt of SNAP benefits. Ibid.; see also N.J.A.C. 10:87-11.2(k). However, as T.G. was an adult member of the household when the overpayment of SNAP benefits occurred, the ALJ determined that T.G. is also responsible for repayment of the overpayment of \$8,432.00. See Initial Decision at 6; see also N.J.A.C. 10:87-11.20(d)(1). I also agree.

As this was the first IPV committed by Respondent A.H., 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 Respondent, A.H., 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. November 22, 2023

Natasha Johnson
Assistant Commissioner

