



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 **00340-23 A.M.**

AGENCY DKT. NO. **C070285020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent improperly used her SNAP benefits during a period from August, 2021, through January, 2022. On December 22, 2022, Respondent was properly noticed of the Administrative Disqualification Hearing ("ADH"), the charges against her, and the proposed disqualification penalty via certified mail, return receipt requested. See Exhibit P-6 at 3-4, P-7. 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-6 at 5-7. The hearing was initially scheduled for January 27, 2023, and then February 3, 2023, but was adjourned. On the rescheduled date of February 8, 2023, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic hearing, took testimony, admitted documents, and the record then closed on that date.

On May 16, 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 participated in the transferring or trafficking of SNAP benefits. See Initial Decision at 3. Specifically, the ALJ found that the number of SNAP transactions over a short period of time, at a location that was subsequently disqualified for repeated violations of the terms of the SNAP program, indicate that she either sold or shared her SNAP benefits with others. *Id.* at 2, 3, 4; see also Exhibit P-1, P-3, P-4, P-5, and N.J.A.C. 10:87-11.3(a)(2). The ALJ further found that Respondent is responsible for repayment of the \$1,175 in SNAP benefits. See Initial Decision at 3. I agree.

Based upon the ALJ's finding that Respondent had committed an IPV, thereby warranting disqualification from the receipt of SNAP benefits, 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). *Ibid.* I also agree.

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 improperly transferred or trafficked benefits.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondent is hereby disqualified from the receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the improperly transferred or trafficked benefits.

Officially approved final version. May 30, 2023

Natasha Johnson
Assistant Commissioner

