



## State of New Jersey

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*Governor*

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 **01765-23 C.W.**

AGENCY DKT. NO. **C190651020 (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 intentionally failed to accurately report household composition and income, while he received SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalty, via hand delivery, on February 21, 2023. See Exhibit P-6 at 1-2, P-7 at 1. Because Respondent failed to execute and return the waiver of his 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 5-6. Thereafter, Respondent requested, and was granted, an adjournment of the March 10, 2023, hearing, as he was in the hospital. The hearing was rescheduled for March 24, 2023. On that date, the Honorable Margaret M. Monaco, 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). On March 27, 2023, Respondent explained the reason for his non-appearance on March 24, 2023, specifically, that his mother had passed away. The ALJ found that he had provided good cause for his non-appearance, and rescheduled the telephonic hearing for April 14, 2023. Neither Agency, nor Respondent, appeared on April 14, 2023; accordingly, the hearing was rescheduled on a peremptory basis for May 2, 2023. On that date, testimony was offered by both Petitioner Agency and Respondent. The record remained open until May 4, 2023, to allow the parties to submit additional documentation. On May 2, 2023, and May 3, 2023, Respondent submitted additional documents. On May 4, 2023, Petitioner Agency submitted additional documents, and the record then closed on that date.

On May 11, 2023, the ALJ issued an Initial Decision, which found that the Agency had not 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 he not entitled. See Initial Decision at 5. Specifically, the ALJ found that Respondent offered credible testimony that V.T., Respondent's paramour, did not live with Respondent, and that the



number of occasions V.T. stayed overnight in Respondent's room totaled three times a week over the past six months. Ibid. The ALJ further found that V.T. only used Respondent's address so that she could receive her mail there, since she experienced problems receiving mail at her listed address. Ibid.; see also Exhibit P-2. The ALJ also found that since June 1, 2017, V.T. has been living and paying monthly rent at a residence different from Respondent's address. See Initial Decision at 5; see also Exhibit R-1. Based upon the record presented, the ALJ concluded that Respondent did not commit an IPV. See Initial Decision at 6; see also N.J.A.C. 10:87-11.2(a)(1). I agree with the ALJ's conclusions in this matter.

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.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter.

Officially approved final version.

May 31, 2023

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Natasha Johnson

Assistant Commissioner

