



## State of New Jersey

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*Governor*

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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 **11672-22 M.P.**

AGENCY DKT. NO. **C214653020 (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 received SNAP benefits from one county, while he and his family resided in a different county. On November 1, 2022, Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalty via certified mail, return receipt requested. See Exhibits P-2, P-13. 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 ("OAL") for a hearing as a contested case. On November 21, 2022, Petitioner Agency appeared for the hearing before the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"). Respondent did not appear for the hearing, and later represented that he attempted to call into the hearing, but had called the wrong number. Accordingly, the matter was rescheduled for January 6, 2023, with notice to the address Respondent had provided to the Agency, and to the OAL. On January 6, 2023, Petitioner Agency appeared, but Respondent, again, did not call in. After waiting 90 minutes, the matter proceeded ex parte, which is permissible pursuant to our regulatory scheme. See N.J.A.C. 1:10-14.1(d). The ALJ held a telephonic plenary hearing, took testimony, admitted documents into evidence, and the record then closed that day.

On January 23, 2023, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, Respondent had deliberately and intentionally withheld information from the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits, to which he was not entitled. See Initial Decision at 6. Specifically, the ALJ found that Respondent received SNAP benefits from Union County, and did not live in Union County, which resulted in an overissuance of SNAP benefits to Respondent in the total amount of \$7,224, for the period of September, 2019, through August, 2022. Id. at 2, 3, 4, 6; see also Exhibits P-4, P-7, P-8, P-9, P-10, P-14, P-15, and N.J.A.C. 10:87-3.2.



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 by Respondent, 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 ineligible to participate in SNAP for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version. February 16, 2023

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Natasha Johnson  
Assistant Commissioner

