



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 **00177-23 P.R.**

AGENCY DKT. NO. **C260720020 (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 she received SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. The Agency also seeks to reduce Respondent's SNAP benefit allotment, effective March 1, 2023, in order to recoup the overissuance of SNAP benefits Respondent received, and was not entitled to. Respondent was noticed of the Administrative Disqualification Hearing ("ADH"), the charges against her, the proposed disqualification penalty, and the Agency's determination to reduce her SNAP benefit allotment, via certified mail, return receipt requested, on December 23, 2022. See Exhibit P-1 at 1, 2-3, 4, 8-12. 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. *Id.* at 15-16. On January 23, 2023, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. 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 that same day, 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 4. Specifically, the ALJ found that Respondent intentionally did not include V.M., the co-parent of Respondent's two children, as a member of the household, or include his income, although he had lived there when she applied for SNAP benefits, which resulted in an overissuance of SNAP benefits to Respondent beginning June, 2022. *Id.* at 2, 4; see also Exhibit P-1 at 5, 8-12, 21, 22, 30-49, 50-54, and N.J.A.C. 10:87-2.2, -5.4, -9.5. Accordingly, as Respondent currently receives SNAP benefits, the ALJ affirmed the Agency's determination to reduce Respondent's SNAP benefit allotment, effective March 1, 2023, in order to recoup the overissuance of SNAP benefits Respondent had received. See Initial Decision at 4; see also Exhibit P-1 at 8-12, and N.J.A.C. 10:87-11.20(o)(1)(i).



Additionally, 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 5.

While I agree with the final conclusions of the ALJ in this matter, I am modifying this Initial Decision for the following reason. With respect to a matter alleging an IPV, the Agency is responsible for initiating an administrative disqualification hearing. See N.J.A.C. 10:87-11.1. Accordingly, as the Agency is the party requesting relief in an IPV case, it is the "Petitioner." See N.J.A.C. 1:1-2.1, "Definitions." Conversely, the party responding to the Agency's request for relief in an IPV case is the "Respondent." Ibid. In the Initial Decision, P.R. was incorrectly referred to as "Petitioner," when she was, in fact, the Respondent. The Agency was incorrectly referred to as "Respondent" throughout the Initial Decision, when it should have been referred to as "Petitioner." The parties are correctly identified in this Final Agency Decision. Accordingly, the Initial Decision is modified so as to reflect the correct designation of the parties.

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, while I concur with the ALJ's Findings of Fact and Conclusion of Law in this matter, I am MODIFYING the Initial Decision, based upon the discussion above.

I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby MODIFY 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. February 21, 2023

Natasha Johnson
Assistant Commissioner

