



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

SHEILA Y. OLIVER  
*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 **10459-22 R.O.**

AGENCY DKT. NO. **C197740020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner Agency seeks a finding that Respondent committed an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"), and to impose a 12-month disqualification penalty from receipt of SNAP benefits. The Agency asserts that Respondent failed to accurately report her household composition, thus causing Respondent to receive SNAP benefits to which she was entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on September 27, 2022. See Exhibit P-1 at 5-7, 8-9. 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 ("OAL") for a hearing as a contested case. *Id.* at 13-14. Scheduled hearing dates of December 13, 2022, January 12, 2023, and February 7, 2023, were adjourned. Finally, on February 27, 2023, the Honorable Elissa Mizzone Testa, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open so that Petitioner could submit additional exhibits, and then closed on February 28, 2023.

On March 20, 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 committed an IPV. See Initial Decision at 11, 12. Specifically, the ALJ found that Respondent did not include her spouse as part of the household because he was not residing in the household, and had left sometime in February, 2022, with his whereabouts unknown. *Id.* at 12; see also Exhibits P-3, P-7. The ALJ further found that, because the Petitioner Agency was not informed that Respondent's spouse was not living with her, and had left in February, 2022, with his whereabouts unknown until after Respondent's SNAP application was filed and benefits granted, does not in itself demonstrate that Respondent made a false or misleading statement, or misrepresented, concealed or withheld facts constituting an IPV. See Initial Decision at 12; see also N.J.A.C. 10:87-11.3(a)(1). Accordingly, based upon the record presented, and because the ALJ concluded that the Agency did not present clear and convincing evidence that Respondent had committed an IPV, no 12-month disqualification penalty from receipt of SNAP benefits was imposed against Respondent. See Initial Decision at 13; 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.

By way of comment, in accordance with applicable regulatory authority, only one adjournment of no more than 30 days is permitted in SNAP cases. See 7 C.F.R. 273.15(c)(4), N.J.A.C. 10:87-8.6(a)(4), (i), N.J.A.C. 1:10-9.1(a), (b).

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

Officially approved final version. May 03, 2023

---

Natasha Johnson  
Assistant Commissioner

