



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

TAHESHA L. WAY  
*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 **10290-23 T.K.**

AGENCY DKT. NO. **C108230020 (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 misrepresented her address in order to receive SNAP benefits in two counties simultaneously, thus causing Respondent to receive an overissuance of benefits to which she was not entitled.

On January 23, 2023, the Agency received an investigation referral from another county, informing the Agency that Respondent was receiving SNAP benefits from two counties at the same time. See Initial Decision at 3; see also Exhibit P-1. On February 2, 2023, the Agency advised Respondent that a Waiver of Right to Administrative Disqualification Hearing ("Waiver"), accepting the penalty of a 10-year disqualification period from receipt of SNAP benefits for receipt of SNAP benefits from multiple counties, would be sent to her and that she could sign the Waiver and accept the penalty, or request an Administrative Disqualification Hearing ("ADH"). See Initial Decision at 4-5; see also Exhibit P-4, P-6, P-7, and N.J.A.C. 10:87-11.2(e), -11.6(a)(2). Respondent did not respond or otherwise return this Waiver. See Initial Decision at 4. Because Respondent did not timely waive her right to a hearing, the Agency then notified Respondent on August 8, 2023, via certified mail, return receipt requested, that she was scheduled to appear for an ADH on October 13, 2023. See Exhibit P-6, P-7. On October 13, 2023, the Honorable Julio C. Morejon, 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). Respondent was given ten days following the hearing, to present good cause for her failure to appear. Respondent did not respond, and the record then closed on October 23, 2023.

On October 31, 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 deliberately and intentionally misrepresented information to the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits, to which she was not entitled. See Initial Decision at 6-7. Specifically, the ALJ found that Respondent intentionally applied for, and received, SNAP benefits in Cumberland County, while still collecting SNAP benefits in Union County, during the periods of May 2022 through December 2022,



which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$10,445.87. Id. at 3-7; see also Exhibits P-3, P-4, P-5, P-6, P-7 and N.J.A.C. 10:87-3.2, -3.3. I agree with the ALJ's finding.

Additionally, because Respondent was found to have made a fraudulent statement or representation regarding her place of residence in order to receive SNAP benefits from two counties at the same time, the ALJ concluded that Petitioner is ineligible to participate in the SNAP program for ten (10) years pursuant to N.J.A.C. 10:87-11.2(e). See Initial Decision at 7; see also N.J.A.C. 10:87-3.18. I also agree with this finding.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion above.

I ORDER that Respondent is disqualified from receipt of SNAP benefits for a period of 10 years. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version. November 21, 2023

---

Natasha Johnson  
Assistant Commissioner

