



## State of New Jersey

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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 **05842-23 S.M.**

AGENCY DKT. NO. **C444732004 (CAMDEN-CCBSS)**

Petitioner Agency seeks a finding that Respondent committed an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency also seeks to recoup an overissuance of SNAP benefits allegedly paid to Respondent. The Agency asserts that Respondent intentionally failed to report receipt of household earned 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 certified mail, return receipt requested, on May 18, 2023. See Exhibit P-1 at 1, 2-3, 5-6. 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 the initial hearing date of July 20, 2023, Respondent failed to appear. Thereafter, Respondent contacted the OAL, and requested that the hearing be rescheduled. Respondent's request was granted. After several adjournments, on December 6, 2023, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow the parties to submit additional documents. The record then closed on December 8, 2023.

On December 29, 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 7-8. Respondent argued that a family member, who had passed away on August 1, 2021, filed an application for SNAP benefits, dated February 11, 2020, using Respondent's personal information, and without Respondent's knowledge or permission. *Id.* at 2; see also Exhibits P-7, R-3. The ALJ found that Respondent credibly testified that he was unaware that the application was being submitted, that he never received the Electronic Benefits Transfer ("EBT") card, and that he never used the benefits on the card. See Initial Decision at 5, 7. The ALJ further found that Petitioner Agency had failed to link any of the EBT purchases to Respondent. *Id.* at 7; see also Exhibit P-12.

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, the ALJ found that



Respondent had not committed an IPV, and dismissed the Agency's action seeking to recover the overissuance of SNAP benefits. See Initial Decision at 8; see also N.J.A.C. 10:87-11.5(a)(6). Based on an independent review of the record, I agree with the ALJ's conclusions in this matter.

Additionally, 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, S.M. was incorrectly referred to as "Petitioner," when he 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 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.

Accordingly, based upon the foregoing, I hereby MODIFY the Initial Decision in this matter, as outlined above.

Officially approved final version. January 31, 2024

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Natasha Johnson  
Assistant Commissioner

