



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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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 **10605-23 A.W.**

AGENCY DKT. NO. **S622647012 (MIDDLESEX COUNTY BD OF SOC SCVS)**

Petitioner Agency charges Respondent with committing an intentional program violation (“IPV”) of the Supplemental Nutrition Assistance Program (“SNAP”). The Agency asserts that Respondent failed to accurately report household composition, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt request, on September 28, 2023. See Initial Decision at 3; see also Exhibit P-1. Because Respondent failed to timely 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. See Initial Decision at 2, 3.

On October 24, 2023, the Honorable Judith Lieberman, 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 presented good cause for her failure to appear within ten days of the hearing date, and therefore, the hearing was rescheduled for December 7, 2023. See Initial Decision at 2. On December 7, 2023, the ALJ held a telephonic plenary hearing, took testimony, admitted documents and the record then closed. On December 12, 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 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 3. Specifically, the ALJ found that Respondent had not removed her deceased son from her SNAP household when submitting the Interim Reporting Form (“IRF”) within two months of his unfortunate passing, and as such, Petitioner continued to receive SNAP benefits for a larger household size during the period of August 2022, through February 2023, resulting in an overissuance of SNAP benefits to Respondent in the amount of \$1,199. Id. at 3, 4-5; see also Exhibit P-5, P-6, P-8, P-10, and N.J.A.C. 10:87-5.2(a)(1), -9.5. Based on the foregoing, the ALJ concluded that no IPV had been committed, and as such, no period of disqualification was applicable. See Initial Decision at 7. Based



on an independent review of the record, I agree, and find that the circumstances presented warrant the classification of this claim as an Inadvertent Household Error (“IHE”). See N.J.A.C. 10:87-11.20(e) (2). Nevertheless, Petitioner received an overissuance of SNAP benefits to which she was not entitled, which must be repaid. See N.J.A.C. 10:87-11.20(b). Petitioner acknowledged this fact during the fair hearing and is in the process of repaying that amount. See Initial Decision at 4. Given Petitioner’s particular circumstances, as presented during this hearing, if Petitioner is currently receiving SNAP benefits, I direct that repayment proceed in accordance with N.J.A.C. 10:87-11.20(p)(1), as applicable.

No Exceptions to the Initial Decision were filed by either party.

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, based on the discussion above.

Accordingly, the Initial Decision is hereby ADOPTED, as outlined above.

Officially approved final version. February 01, 2024

Natasha Johnson
Assistant Commissioner

