



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 **09128-23 N.H.**

AGENCY DKT. NO. **C018837015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency charges Respondent, N.H., 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 household income, while she received SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Additionally, the Agency seeks repayment of continued benefits which were provided to N.H. between October 2022, and December, 2022, pending a fair hearing requested by N.H., for which N.H. ultimately failed to appear. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, the overissuances sought to be recouped, and the proposed disqualification penalties, via certified mail, return receipt request, on August 23, 2023. See Exhibit P-1, P-2. Because Respondent failed to execute and return the waiver of her right to a hearing, the separate matters were transmitted to the Office of Administrative Law ("OAL") for hearings as contested cases.

A telephonic plenary hearing was initially scheduled for October 24, 2023, but Respondent did not appear. However, on that same day, Respondent called and explained her absence, which reason was accepted by OAL, and the hearing was then rescheduled for October 31, 2023. See Initial Decision at 2. On October 31, 2023, Respondent appeared pro se and requested an opportunity to retain legal counsel, which was granted and the hearing was then rescheduled for November 20, 2023. The separate contested cases were consolidated and on November 20, 2023, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents and the record closed on that date. Respondent did not appear for the hearing, nor had any letter of representation on her behalf been received, 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 November 21, 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 withheld information from the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits, to which she not entitled. See Initial Decision at 4; see also Exhibit P-2, P-12. Here, the record reflects that Respondent's husband, from whom she claimed that she was allegedly separated, was residing with her, as substantiated by an Agency investigator's report, as the result of an unannounced household visit, together with other verifying documents, including bank records, vehicle registrations and tax documents. See Initial Decision at 2; see also Exhibits P-3, P-4, P-5, P-6, P-7. The ALJ found that Respondent intentionally did not report her household composition, and by way of this omission, did not report total household income, both earned and unearned, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$9,116, for the period of April 2018, through September 2022. See Initial Decision at 4-6; see also Exhibits P-2 to P-12 and N.J.A.C. 10:87-5.4(a)(1), (2), -9.5. 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 4, 7.

Additionally, the Agency seeks recoupment of continued benefits paid to Respondent, from October 2022, through December 2022, as the result of Respondent's request for a fair hearing. Id. at 4. I hereby take official notice that the records of this office reflect that Respondent had appealed from a termination of SNAP benefits, due to excess income, in September 2022, and was issued continued SNAP benefits pending the fair hearing. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4); see also N.J.A.C. 10:87-8.7(a). Respondent did not appear for the fair hearing, however, and as a result, Respondent received SNAP benefits to which she was not entitled from October 2022, through December 2022, in the total amount of \$1,128, which must be repaid. See Initial Decision at 4; see also Exhibit P-2 and N.J.A.C. 10:87-8.7(a), -11.20. Based on the foregoing, the ALJ agreed that Respondent was not entitled to these benefits and must be repaid. See Initial Decision at 4, 7.

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.

I direct that the Agency proceed to recoup the overissuances presented herein, totaling \$10,244.

Accordingly, based upon the foregoing, I hereby ADOPT 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 overissuances.

Officially approved final version. February 22, 2024

Natasha Johnson
Assistant Commissioner

