



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 12161-23 Y.H.

AGENCY DKT. NO. C134827015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner Agency charges Respondents, Y.H. and S.H., separately, with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondents intentionally failed to accurately report household income, while they received SNAP benefits, thus causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents were properly noticed of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalties, via certified mail, return receipt requested, on September 16, 2023. See Exhibit P-1 at 1, 2-3, 8, 9-10. Because Respondents failed to execute and return the waiver of their right to a hearing, their separate matters were transmitted to the Office of Administrative Law ("OAL") for hearings as contested cases. *Id.* at 5-6, 12-13. On November 17, 2023, at the commencement of the hearing, on Petitioner's motion, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), consolidated Respondents' separate matters, docketed under OAL Docket Nos. HPW 12161-23 (Y.H.) and HPW 12164-23 (S.H.). See N.J.A.C. 1:1-17.3(a). Thereafter, on that same date, the ALJ held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. Respondents 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). Respondents were given ten days to present good cause for their failure to appear. Respondents did not respond. On December 4, 2023, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondents, Y.H. and S.H., had deliberately and intentionally withheld information from the Agency, which resulted in Respondents receiving an overissuance of SNAP benefits, to which they were not entitled. See Initial Decision at 6.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and the record in this matter, and hereby MODIFY the ALJ's Initial Decision, based on the discussion below.



Here, the ALJ found that Respondents intentionally did not accurately report changes in their household income, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$10,974, for the period of March, 2015, through February, 2019. Id. at 4, 5; see also Exhibits P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P10, and N.J.A.C. 10:87-5.5(a)(7), (9), -9.5.

As this was the first IPV committed by Respondents, 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 7.

While I agree with the ALJ's finding, specifically, that both Respondents committed IPV's of the SNAP program, thereby warranting disqualifications from the receipt of SNAP benefits, based upon my independent review of the record, I find that Respondents did not disclose the receipt of household investment income, and that it was the intentional non-disclosure of that investment income, rather than income from employment, which led the ALJ to conclude that both Respondents had, in fact, committed an IPV. See Initial Decision at 4, 5, 6; see also Exhibits P-3, P-4, P-5. The Initial Decision is modified to reflect this finding.

I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby MODIFY the Initial Decision in this matter, based upon the discussion above, and ORDER that Respondents, Y.H. and S.H., are disqualified from receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version. January 11, 2024

Natasha Johnson
Assistant Commissioner

