



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 12125-24 A.P.

AGENCY DKT. NO. C248178020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") program. The Agency asserts that Respondent intentionally failed to report receipt of household earned income, while receiving WFNJ/TANF benefits, 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 requested, on July 16, 2024. See Exhibit P-6 at 1-2, P-7. Because Respondent failed to execute and return the waiver of her right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. See Exhibit P-6 at 3-4. On September 9, 2024, the Honorable William J. Courtney, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. 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. 10:10-14.1(d). On September 11, 2024, the ALJ issued an Initial Decision, which found that Respondent had deliberately and intentionally withheld information from the Agency, which resulted in Respondent receiving an overissuance of benefits to which she was not entitled.

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.

An IPV of the WFNJ program is any statement or act by an individual for the purpose of establishing or maintaining the assistance unit's eligibility for WFNJ assistance, for increasing or preventing a reduction in the WFNJ assistance, which is intentionally: a false or misleading statement or misrepresentation, concealment, or withholding of facts; or an act intended to mislead, misrepresent, conceal, withhold facts, or to propound a falsity. See N.J.A.C. 10:90-11.1(a).

Individuals found to have committed an IPV [of the WFNJ program] shall be ineligible to participate in the program for a period of six months for the first violation. See N.J.A.C. 10:90-11.11(a)(1).

Here, the ALJ found that Respondent intentionally did not report the receipt of earned income, which resulted in an overissuance of WFNJ/TANF benefits to Respondent in the amount of \$5,152, for the periods of February, 2022, through March, 2022, and July, 2022, through November, 2022. Id. at 2, 3, 4; see also Exhibits P-3, P-4, P-5; and N.J.A.C. 10:90-3.1(a), -3.9(c), -3.21(a)(1).



While I agree with the ALJ, specifically, that Respondent committed an IPV, I disagree with the ALJ's finding that Respondent committed an IPV of the Supplemental Nutrition Assistance Program ("SNAP"). See Initial Decision at 3, 4. Based upon my independent review of the record, I find that the correct program wherein Respondent committed an IPV, is the WFNJ/TANF program, and not SNAP. See Exhibits P-3, P-4, P-6, P-6. Accordingly, I am modifying this Initial Decision to reflect that Respondent committed an IPV of the WFNJ/TANF program, and not a SNAP IPV. This Initial Decision is modified to reflect that in all instances where regulatory authority is cited referring to an IPV of the SNAP program, alternatively, regulatory authority referring to an IPV of the WFNJ/TANF program should be substituted.

I am also modifying the Initial Decision for the following reason. The ALJ imposed a 12-month disqualification period against Respondent, for committing an IPV of the SNAP program. See Initial Decision at 4; see also N.J.A.C. 10:87-11.2(a)(1). As stated above, Respondent was found to have committed an IPV of the WFNJ/TANF program. Therefore, a six-month disqualification from receipt of WFNJ benefits should have been imposed. See N.J.A.C. 10:90-11.1(a). Additionally, with respect to a matter alleging an IPV, the Agency is responsible for initiating an administrative disqualification hearing. See N.J.A.C. 10:90-11.2(b). 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 case caption, A.P., was incorrectly referred to as "Petitioner," when she was, in fact, the Respondent. The Agency was incorrectly referred to as "Respondent," when it should be have referred to as Petitioner. The parties are correctly identified in this Final Agency Decision. The Initial Decision's caption is also modified so as to reflect the correct designation of the parties.

The record further indicates that Respondent has agreed to repay the overissuance to Petitioner Agency, and in fact, has already began making payments to Petitioner Agency. See Initial Decision at 3. Therefore, I am directing that the Respondent should continue making payments in accordance with the terms of that existing agreement, so that the Agency may continue to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby MODIFY the Initial Decision in this matter, as outlined above, and ORDER that Respondent is disqualified from receipt of WFNJ/TANF benefits for a period of six months. I further ORDER that the Agency is to continue to recoup the overissuance, until outstanding balance is satisfied.

Officially approved final version. October 16, 2024

Natasha Johnson
Assistant Commissioner

