



State of New Jersey

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Governor

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 **05105-23 B.M.**

AGENCY DKT. NO. **C229163020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner Agency charges Respondent B.M. 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, while she received SNAP 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 penalties, via certified mail, return receipt requested, on May 12, 2023. See Initial Decision at 2; see also Exhibit P-8. 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 ("OAL") for hearings as a contested case. *Id.* at 2. The case was scheduled for a hearing on July 7, 2023, before the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"). The ALJ conferenced the matter with the parties, and realizing that there was an absence of some important documentation, adjourned the scheduled hearing for that date. On July 25, 2023, the ALJ reconvened the matter and discussed evidentiary expectations with the parties. Finally, on August 30, 2023, and October 6, 2023, the ALJ held the rescheduled telephonic plenary hearing, admitted documentation, requested further submissions, but later closed the record after concluding that the submissions were not necessary for the ALJ's analysis. *Ibid.*

On November 30, 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 was not entitled. See Initial Decision at 6-8. The ALJ found that Respondent intentionally did not accurately report her household composition, specifically Respondent did not report that one of her children was no longer a member of the household, nor had she reported that J.G.-R., who was purportedly claimed not to be a member of the same household, yet with whom Respondent had had three children with in the past six years, and who had his legal and mailing address listed as Respondent's, resulted in an overissuance of SNAP benefits to Respondent in the amount of \$42,815.34, for the period of March 2019 through May 2023, which must be repaid. *Id.* at 2-4, 4-7, 7-8; see also Exhibits P-1, P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P-10, P-11, and N.J.A.C. 10:87-2.2, -5.5, -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 8.

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 overissuance.

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 overissuance.

Officially approved final version. February 27, 2024

Natasha Johnson
Assistant Commissioner

