



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 14201-23 M.P.

AGENCY DKT. NO. C248861020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent intentionally failed to report receipt of household earned income, while receiving SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalty, via certified mail, return receipt requested, on November 10, 2023. See Exhibits P-5 at 5-6, P-6. Because Respondent failed to execute and return the waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. See Exhibit P-5 at 11-12. On January 11, 2024, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. On January 25, 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 SNAP benefits, to which he 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.

In the instance of an overpayment of SNAP benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. One type of overpayment which is subject to recoupment is one which results from an overpayment resulting from an individual committing an IPV. See N.J.A.C. 10:87-11.20(e)(1). Repayment of overissuances may be sought for up to six years following the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the ALJ 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 he was not entitled. See Initial Decision at 8. Specifically, the ALJ found that Respondent intentionally failed to report earned income, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$2,618, for the periods beginning February, 2022, through March, 2022, and September, 2022, through December, 2022. See Initial Decision at 2, 5, 6, 7; see also Exhibits P-1, P-2, P-3, P-4, and N.J.A.C. 10:87-5.4(a)(1), -9.5. I agree with the ALJ's finding.

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.



While I agree with the ALJ's finding, that Respondent committed an IPV of the SNAP program, thereby warranting disqualification from the receipt of SNAP benefits, based upon my independent review of the record, I find that pursuant to regulatory authority, Respondent must repay to the Agency, the amount of overissued SNAP benefits that he received, and was not entitled to. See N.J.A.C. 10:87-11.20. Accordingly, I am directing the Agency to recoup the overissued SNAP benefits paid to Respondent, in the amount of \$2,618. See Exhibit P-5 at 1-4. The Initial Decision is modified to reflect this finding.

Additionally, with respect to a matter alleging an IPV, the Agency is responsible for initiating an administrative disqualification hearing. See N.J.A.C. 10:87-11.1. 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. Here, M.P., was incorrectly referred to as "Petitioner," when he was, in fact, the Respondent. The Agency was incorrectly referred to as "Respondent" throughout the Initial Decision, when it should have been referred to as Petitioner. The Initial Decision also modified to reflect the correct designation of the parties.

I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby MODIFY 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 21, 2024

Natasha Johnson
Assistant Commissioner

