



## State of New Jersey

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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 11699-23 M.R.

AGENCY DKT. NO. C243222020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner Agency charges Respondent with committing an intentional program violation (“IPV”) of the Supplemental Nutrition Assistance Program (“SNAP”), and seeks to impose a 10-year disqualification period from receipt of SNAP benefits against Respondent. The Agency asserts that Respondent misrepresented her address in order to receive SNAP benefits simultaneously in two states, 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 August 26, 2023. See Initial Decision at 2; see also Exhibits P-3, P-4. 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 a hearing as a contested case. See Exhibit P-3. On November 22, 2023, the Honorable Susana E. Guerrero, 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. 1:10-14.1(d). On November 27, 2023, the ALJ issued an Initial Decision, finding that an IPV had been established, but that a 12-month disqualification penalty was warranted, rather than the 10-year disqualification penalty sought by the Agency.

Exceptions to the Initial Decision were received from the Agency on December 28, 2023.

As Assistant Commissioner, Division of Family Development (“DFD”), Department of Human Services, I have reviewed the Initial Decision and the record, and hereby MODIFY the ALJ’s Initial Decision, based on the discussion below.

In accordance with applicable regulatory authority, a SNAP benefits household must reside in the county in which it files for benefits, and may not collect SNAP benefits in more than one county. See N.J.A.C. 10:87-3.2(a). Additionally, SNAP benefits households are required to report certain changes within 10 days which can effect eligibility and/or allotment amount, including a change in residence. See N.J.A.C. 10:87-9.5(a)(2), (b)(1)(iv).



IPVs occur when SNAP benefits are issued as the result of an intentionally false or misleading statement, misrepresentation, concealment or withholding of facts, or when SNAP benefits are improperly used, presented, transferred, acquired, possessed, received or trafficked. See N.J.A.C. 10:87-11.3(a)(1), (2).

An individual found to have made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple SNAP benefits simultaneously shall be ineligible to participate in the program for a period of 10 years. See N.J.A.C. 10:87-11.2(e).

Here, the record reflects that, through an interstate data match used to flag possible fraudulent activity, the Agency learned Petitioner was receiving SNAP benefits in two states at the same time, specifically in New Jersey (“NJ”) and Georgia (“GA”), during the period from January 2023, through June 2023, resulting in an overissuance of SNAP benefits in the amount of \$1,878. See Initial Decision at 3; see also Exhibit P-1. The record further shows that the SNAP benefits issued in NJ were used in GA. Ibid. The Agency investigator in this matter stated that on September 5, 2023, during a telephone conference with Respondent, Respondent denied deliberately attempting to defraud the Agency, offered to repay the overissuance, and claims to have contacted the Agency in May 2023, to advise that she was receiving SNAP benefits in GA. See Initial Decision at 3. The ALJ in this matter found that the Agency had proven, by clear and convincing evidence, that Respondent concurrently received SNAP benefits in NJ and GA for about six months, and that she had intentionally failed to notify the Agency of her change in residence and her obtaining benefits in another state. See Initial Decision at 4.

With respect to the appropriate disqualification penalty, the Agency maintained that regulatory authority mandated a 10-year period of disqualification from receipt of SNAP benefits. See Initial Decision at 3; see also N.J.A.C. 10:87-11.2(e). The ALJ, however, opined that the evidence did not sufficiently demonstrate that Respondent had made an intentional fraudulent statement regarding her residence, in order to concurrently receive SNAP benefits in more than one state, but rather, that Respondent had concealed or withheld the fact from the Agency that she moved. See Initial Decision at 5. On this basis, and 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, rather than the 10-year disqualification sought by the Agency. See Initial Decision at 5-6; see also N.J.A.C. 10:87-11.2(a)(1).

Based upon an independent review of the record, while I agree with the ALJ, that Respondent committed an IPV, I respectfully disagree with the ALJ’s conclusion that the record does not support a finding that Respondent made a fraudulent statement or representation regarding her residency in order to receive SNAP benefits in NJ and GA simultaneously, thereby warranting a 10-year period of disqualification.

See N.J.A.C. 10:87-11.2(e). When Respondent moved to GA, she had a responsibility to report the change of residence to the Agency within 10 days, yet Respondent intentionally did not do so. See Initial Decision at 3, 5. In then applying for SNAP benefits in another state, while still receiving benefits in NJ, and not advising the Agency of her change of residence, I find Respondent made a fraudulent representation with respect to her residence, which allowed her to receive concurrent SNAP benefits from NJ and GA. See N.J.A.C. 10:87-11.2(e). Moreover, it is clear from the record that Respondent received, not only one or two months of concurrent, overlapping SNAP benefits in two states, but a total of six months of overlapping benefits. See Exhibits P-1, P-2. Based on the foregoing, I find that Respondent is ineligible to participate in the SNAP program for a period of 10 years. See N.J.A.C. 10:87-11.2(e). The Initial Decision is modified to reflect these findings.

Based on the foregoing, the Initial Decision in this matter is hereby MODIFIED, based upon the discussion above. I further ORDER that Respondent is hereby disqualified from receipt of SNAP benefits for a period of 10 years. I also ORDER that the Agency is to recoup the overissuance.



Officially approved final version. January 31, 2024

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Natasha Johnson  
Assistant Commissioner

