



*State of New Jersey*

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**DIVISION OF FAMILY DEVELOPMENT**  
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*Director*  
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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 14112-17 E.B.

AGENCY DKT. NO. C213688009 (HUDSON COUNTY DIVISION OF WELFARE)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent improperly used her SNAP benefits during a period from March 2015 through July 2015. A hearing was originally scheduled for October 11, 2017, then adjourned, as the Agency failed to provide proof that advance notice of the hearing had been provided to Respondent. On November 28, 2017, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents.

On December 21, 2017, the ALJ issued an Initial Decision, which found that the Agency had not met its burden in establishing, by clear and convincing evidence, that Respondent intentionally concealed facts and participated in the transferring or trafficking of SNAP benefits. See Initial Decision at 4-5; see also N.J.A.C. 10:87-11.3. Here, the Agency purports that Respondent engaged in the trafficking of SNAP benefits from March 2015 through July 2015, making predominantly large transactions at a small grocery, which amounted to unusual transactions. See Initial Decision at 3; see also Exhibit P-1 at 1. However, the ALJ found that the Respondent testified credibly that she purchased food frequently, for a family of five, at the store, buying a variety of foods, including expensive meat, fish and poultry items. See Initial Decision at 3-4. Therefore, the ALJ concluded that, based on the record presented, the Agency had failed to meet its burden, by clear and convincing evidence, that Respondent committed an IPV, and reversed the Agency action disqualifying Respondent from receipt of SNAP benefits. See Initial Decision at 5; see also N.J.A.C. 10:87-11.5(a)(6). I agree.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the Initial Decision in this matter, and following and 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.



Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter.

Officially approved final version.

**JAN 10 2018**

Natasha Johnson

Director

