



State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716  
TRENTON, NJ 08625-0716

CAROLE JOHNSON  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

NATASHA JOHNSON  
Director

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 09770-18 F.K.

AGENCY DKT. NO. C123258015 (OCEAN COUNTY BOARD 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 failed to accurately report household composition and earned income, 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 May 22, 2018. See Exhibit P-1. On July 18, 2018, Respondent executed the waiver of her rights to a hearing, and the Agency received it on July 23, 2018. See Exhibit P-13. Because Respondent failed to timely 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. On July 27, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. 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). The record remained open for ten days for Respondent to present good cause for her failure to appear. See N.J.A.C. 10:87-11.5(a)(3)(ii)(5). Respondent did not respond and the record then closed on August 6, 2018.

On August 24, 2018, 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. Specifically, Respondent failed to report that E.K. resided in the household and that E.K. had earned income from full-time employment, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$11,106 for the period of April 2015, through June 2015, and September 2015, through August 2017. Id. at 4; see also Exhibits P-2 at 1, P-3, and N.J.A.C. 10:87-5.2(a)(1), -9.5. Moreover, the ALJ found that Respondent did not waive her right to a hearing on the charges within 15 days of the date of the hearing waiver notice. See Initial Decision at 5; see also Exhibit P-13.



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 6.

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 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 Respondents are 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.

**SEP - 5 2018**

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Natasha Johnson

Director

