



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
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 13927-18 L.E.

AGENCY DKT. NO. C040795004 (CAMDEN 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 report earned income while receiving SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was timely served with notice of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty via certified mail, return receipt requested, on September 13, 2018. See Exhibits P-1 at 19, 22, and P-2. 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 for a hearing as a contested case. See Exhibit P-1 at 22. On October 18, 2018, the Honorable John S. Kennedy, 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 10 days for Respondent to show good cause for her failure to appear, and then closed on November 2, 2018.

On November 21, 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 when she failed to report her earned income, which resulted in Respondent receiving an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 3-4. Specifically, Respondent intentionally did not report income earned from employment during the period of May 29, 2015, through April 30, 2016, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$613. *Id.* at 3; see also Exhibit P-1 at 15; see also N.J.A.C. 10:87-5.2(a)(1) and N.J.A.C. 10:87-9.5.

The ALJ noted that Respondent had previously committed two IPVs for which she had been disqualified from receiving SNAP benefits for periods of six, and 12 months, respectively. See Initial Decision at 3; see also Exhibit P-1 at 17, 18, and N.J.A.C. 10:87-11.2(a)(1), (2). As the present matter was the third IPV committed by Respondent, the ALJ ordered the mandatory regulatory penalty, pursuant



to N.J.A.C. 10:87-11.2(a)(3), resulting in Respondent being heretofore permanently disqualified from receipt of SNAP benefits and otherwise ineligible to participate in SNAP. See Initial Decision at 4.

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 Respondent is heretofore permanently disqualified from receipt of SNAP benefits and otherwise ineligible to participate in SNAP. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

NOV 30 2018

Natasha Johnson

Director

