



## 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 07715-18 P.K.

AGENCY DKT. NO. C078340018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner Agency charges Respondents with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP") and the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") programs. The Agency asserts that Respondents intentionally and continually abused the judicial process by repeated failures to appear at scheduled hearings, thus causing Respondents to receive continued SNAP and WFNJ/TANF benefits to which they were not entitled. Respondents were properly noticed of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalty, via personal service on May 4, 2018. See Exhibit P-1 at 2, 3. Because Respondents 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. On June 26, 2018, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. Respondents 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 Respondents to present good cause for their failure to appear or to submit additional documentation. Respondents neither responded nor submitted any additional information, and the record closed on July 6, 2018.

On July 13, 2018, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing by clear and convincing evidence, that Respondents had deliberately and intentionally abused the judicial process by continual failures to appear at scheduled hearings, which resulted in Respondents receiving continued SNAP and WFNJ/TANF benefits to which they were not entitled. See Initial Decision at 4. Specifically, Respondents failed to appear at fair hearings scheduled on October 17, 2017, and November 14, 2017, when the Agency sought to terminate Respondents' benefits for their failure to comply with work activities, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$456, and WFNJ/TANF benefits in the amount of \$423, for the period of October 2017, through December 2017. Id. at 3; see also Exhibit P-2 at 10, 13, Exhibit P-4 at 1, 11, and N.J.A.C. 10:87-5.2(a)(1), -9.5, and N.J.A.C. 10:90-3.21(a), -11.1(a). Based on the foregoing, I concur with the ALJ's finding that, as a result of the continuation of benefits pending the disposition of the case, Respondents received overissuances of SNAP benefits in the amount \$456 and WFNJ/



TANF benefits in the amount of \$423, for the months of October 2017, November 2017, and December 2017. See Initial Decision at 2.

Additionally, Respondents also had a hearing scheduled for September 26, 2017, which they also requested to be adjourned, as was also done in the months following, as discussed above. See Initial Decision at 2. Respondents also received continued benefits during September 2017; however, while documentation in support of the Agency's claim for overissuances for September 2017, in the amounts of \$154 for SNAP benefits and \$141 for WFNJ/TANF, was included in the record, the September claim amounts were not addressed by ALJ in the Initial Decision. Accordingly, based on an independent review of the record, I also find that Respondents are responsible for the overissuances for September 2017, totaling \$295. See Exhibit P-3A; see also N.J.A.C. 10:90-3.12(a) and N.J.A.C. 10:87-8.21(b). The Initial Decision is modified to include the amounts for September 2017 in the overissuances to be recouped by the Agency.

As this was the first IPV committed by Respondents, 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 4. In addition, the ALJ ordered that Respondent is subject to a six-month mandatory regulatory disqualification from the WFNJ program, which also includes Emergency Assistance ("EA") benefits. Ibid.; see also N.J.A.C. 10:90-11.11(a)(1). I concur with the imposition of the disqualification penalties ordered by the ALJ.

Exceptions to the Initial Decision were filed by the Agency on July 19, 2018.

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, the Initial Decision is modified as outlined above.

I direct that the Agency proceed to recoup the overissuances.

Accordingly, I hereby MODIFY the Initial Decision, and further ORDER that Respondents are disqualified from receipt of SNAP benefits for a period of 12 months, and from receipt of WFNJ benefits, including EA benefits, for a period of six months. I further ORDER that the Agency is to recoup the overissuances.

Officially approved final version.

**AUG - 2 2018**

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Natasha Johnson  
Director

