



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
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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 15384-19 L.M.

AGENCY DKT NO S576310012 (MIDDLESEX COUNTY BOARD OF SOCIAL SERVICES)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"), and the Work First New Jersey/General Assistance ("WFNJ/GA") program. The Agency asserts that Respondent failed to report a change in household income while he was receiving SNAP and WFNJ/GA benefits, thus causing Respondent to receive an overissuance of benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalty, via certified mail, return receipt requested, on September 17, 2019. See Exhibit P-1 at 1, 2-3, 5-6. Because Respondent failed to execute and return either waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. *Id.* at 4, 7-8. On November 15, 2019, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a 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). Respondent was given ten days from the date of the hearing to present good cause for his failure to appear. Respondent did not respond.

On November 29, 2019, 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 and WFNJ/GA benefits to which he was not entitled. See Initial Decision at 6. Specifically, Respondent intentionally did not accurately report earned income, which resulted in an overissuance to Respondent of SNAP benefits in the amount of \$144, and an overissuance of \$140 in WFNJ/GA benefits, for the month of April, 2014. *Id.* at 4, 6; see also Exhibit P-1 at 9-11, 12-13, P-3 at 1, 2, P-4, P-5, P-7 at 4-6; see also N.J.A.C. 10:87-5.2(a)(1), -9.5, and N.J.A.C. 10:90-3.21(a).

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), and the six-month mandatory regulatory disqualification from the WFNJ program. See Initial Decision at 6-7; see also N.J.A.C. 10:90-11.11(a)(1).



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.

I direct that the Agency proceed to recoup the overissuances.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondent is disqualified from receipt of SNAP benefits for a period of 12 months, and from receipt of WFNJ benefits for a period of six months. I further ORDER that the Agency is to recoup the overissuances.

Officially approved final version.

DEC 13 2019

Natasha Johnson

Assistant Commissioner

