



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

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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 00418-20 T.W.

AGENCY DKT. NO. S568395012 (MIDDLESEX COUNTY BD OF SOC SCVS)

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 receipt of earned income, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was properly noticed of the original date of the Administrative Disqualification Hearing, specifically, January 10, 2020, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on November 1, 2019. See Exhibit P-1 at 3-4, 9. 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 ("OAL") for a hearing as a contested case. Id. at 13. On January 10, 2020, the case did not appear on the Administrative Law Judge's ("ALJ") docket, and the hearing was rescheduled for January 31, 2020. The OAL mailed Respondent notice of the rescheduled date to the same address that the notice of the January 10, 2020, hearing was mailed. See Initial Decision at 2. On January 31, 2020, the Honorable Jeffrey N. Rabin, 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). Respondent was given ten days from the date of the hearing to present good cause for her failure to appear. Respondent did not respond, and the record then closed.

On February 10, 2020, 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 5. Specifically, Respondent intentionally failed to accurately report household earned income, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,668, for the period beginning May, 2019, through July, 2019. Id. at 3, 5; see also Exhibit1 P-1 at 6-8, 17-18, 19, 22-23, 24-38, 43; and N.J.A.C. 10:87-5.2(a)(1), -9.5.



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 5.

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 overissuance.

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. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

Natasha Johnson
Assistant Commissioner

FEB 20 2020

