



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

SARAH ADELMAN  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 **00204-22 A.W.**

AGENCY DKT. NO. **C057635005 (CAPE MAY COUNTY WELFARE BOARD)**

Petitioner Agency ("Agency") seeks a finding that Respondent committed an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent failed to accurately report household income, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was initially notified of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on October 6, 2021. See Exhibit P-2. However, the Agency did not provide proof of receipt. See Initial Decision at 2; see also Exhibit P-3. Accordingly, on November 8, 2021, via certified mail, the Agency again notified Respondent of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty. See Exhibits P-4, P-5. Because Respondent failed to timely execute and return the Waiver of Right to a Hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. See Exhibit P-2 at 85-86. On January 20, 2022, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed.

On February 9, 2022, 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, the ALJ found that Respondent and her paramour, D.D.L., failed to report earned income and unearned income, specifically, Temporary Disability Insurance ("TDI") benefits, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,794, for the period of June, 2020, through October, 2020, which must be repaid. See Initial Decision at 3, 4; see also Exhibits P-6, P-8, P-9, P-12, P-13, P-14, and N.J.A.C. 10:87-5.2(a)(1), -5.4(a), -5.5(a), -9.5, -11.20(a), (b).

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 Assistant Commissioner, 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.

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.

February 16, 2022

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Natasha Johnson

Assistant Commissioner

