



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **04166-22 I.W.**

AGENCY DKT. NO. **C113381003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner Agency charges Respondents, I.W. and S.W., with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). Petitioner Agency also charges Respondent S.W., with committing an IPV of the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") program. The Agency asserts that Respondents intentionally failed to report receipt of household earned income, while they received SNAP and WFNJ/TANF benefits, causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents were properly noticed of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalties, via certified mail, return receipt requested, on March 25, 2022. See Exhibits P-21, P-22. Because Respondents failed to execute and return either waiver of their right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. See Exhibits P-18 at 122-123, P-19, P-20 at 129-130. On June 8, 2022, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), ordered that the matters filed against Respondents individually, be consolidated, as both matters involve the same set of facts and circumstances. See Initial Decision at 2; see also N.J.A.C. 1:1-17.3. Thereafter, on that same date, the ALJ held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. 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). Respondents were given ten days to present good cause for their failure to appear. Respondents did not respond.

On June 23, 2022, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that S.W. had deliberately and intentionally withheld information from the Agency, which resulted in Respondents receiving an overissuance of SNAP and WFNJ/TANF benefits, to which they were not entitled. See Initial Decision at 8, 9. Specifically, the ALJ found that S.W., while receiving SNAP and WFNJ/TANF benefits, intentionally did not report the receipt of household earned income, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$3,481, and an overissuance of WFNJ/TANF benefits in the amount of \$4,591, for the period beginning March, 2018, through November, 2018. Id. at 6; see also Exhibits P-1, P-4, P-6, P-7, P-13, P-14, P-15, P-23, and N.J.A.C. 10:87-5.4(a)(1), (2), -9.5, and N.J.A.C. 10:90-3.9(c), -3.21(a)(1).



The ALJ also found that the Agency had not met its burden in establishing, by clear and convincing evidence, that I.W. had committed an IPV. Id. at 8. Specifically, the ALJ found that the forms containing the misrepresentations at issue were submitted by S.W., and that the record is devoid of any misrepresentation or other action taken by I.W. Ibid. Accordingly, the ALJ concluded that, while I.W. did not commit an IPV, and therefore was not subject to a 12-month disqualification penalty from receipt of SNAP benefits, as an adult member living in the household at the time when the overpayment of SNAP benefits occurred, he is nonetheless also responsible for repayment of the SNAP benefits overpayment totaling \$3,481. Id. at 8-9; see also Exhibit P-23, and N.J.A.C. 10:87-11.20(d)(1).

As this was the first IPV committed by S.W., the ALJ ordered the mandatory regulatory penalties of a 12-month disqualification from receipt of SNAP benefits, pursuant to N.J.A.C. 10:87-11.2(a)(1), and a 6-month disqualification from the WFNJ program, pursuant to N.J.A.C. 10:90-11.11(a)(1). See Initial Decision at 8, 10.

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.

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 S.W. 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.

July 14, 2022

Natasha Johnson
Assistant Commissioner

