



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 **04034-22 J.N.**

AGENCY DKT. NO. **C149573003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent misrepresented her address in order to receive SNAP benefits simultaneously in two states, and did also fail to report household earned income, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. On February 18, 2022, Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty via certified mail, return receipt requested. See Exhibits P-15, P-16. 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 for a hearing as a contested case. See Exhibit P-14. On June 6, 2022, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary 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). The record remained open for ten days for Respondent to present good cause for her failure to appear. Respondent did not respond, and the record then closed on June 16, 2022.

On June 28, 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 misrepresented information to the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits, to which she was not entitled. See Initial Decision at 7. Specifically, the ALJ found that Respondent intentionally applied for, and received, SNAP benefits in the State of Rhode Island, while still collecting SNAP benefits in New Jersey, during the period of May, 2017, through February, 2018, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$3,521. *Id.* at 3, 4, 6, 7; see also Exhibits P-4, P-21, P-22, P-24; and N.J.A.C. 10:87-3.2, -3.3. The ALJ further found that Respondent intentionally and deliberately did not report earned income for the period beginning August, 2018, through September, 2018, which also resulted in an overissuance of SNAP benefits to Respondent in the amount of \$341. See Initial Decision at 4; see also Exhibits P-6, P-10, and N.J.A.C. 10:87-5.4, -9.5. The ALJ further ordered that the total amount of the overissued SNAP benefits to be repaid to Petitioner Agency by the Respondent totals \$3,859.13, as the outstanding amount was



reduced, by the Agency as a result of a \$2.87 expunged benefit amount (\$3,521 + \$341 - \$2.87 = \$3,859.13). See Initial Decision at 5; see also Exhibit P-10.

Additionally, because Respondent was found to have made a fraudulent statement or representation regarding her place of residence in order to receive multiple SNAP benefits, the ALJ concluded that Petitioner is ineligible to participate in the SNAP program for ten years pursuant to N.J.A.C. 10:87-11.2(e). See Initial Decision at 7; see also N.J.A.C. 10:87-3.18.

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 10 years. I further ORDER that the Agency is to recoup the overissuances.

Officially approved final version.

July 7, 2022

Natasha Johnson
Assistant Commissioner

