



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **07250-22 K.M.**

AGENCY DKT. NO. **C117167003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"), and the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") program. The Agency asserts that Respondent intentionally failed to accurately report her household composition, and also failed to report changes in household income, while she received SNAP and WFNJ/TANF benefits, causing Respondent to receive overissuances of benefits to which she was not entitled. On June 30, 2022, the Agency scheduled telephonic appointments, suspecting Respondent of committing IPVs of the SNAP and WFNJ/TANF programs. See Exhibit P-22. Thereafter, on August 3, 2022, relating to the SNAP IPV, Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalties, via certified mail, return receipt requested. See Exhibits P-16, P-17. Previously, on July 8, 2022, the Agency sent to Respondent, a Waiver of Right to Administrative Disqualification Hearing ("Waiver"), relating to overissuance WFNJ/TANF benefits. See Exhibits P-23, P-24. On July 19, 2022, Respondent executed the Waiver, acknowledging that she had committed an IPV of the WFNJ/TANF program, and agreeing to accept a six-month disqualification penalty from receiving WFNJ/TANF benefits. See Exhibits P-25, P-26. With respect to the SNAP IPV claim, 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. On October 3, 2022, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. At the hearing, Respondent requested a reduction in the amount owed. The Agency advised that it could not compromise the outstanding balance of the SNAP claim, as Respondent did not meet the criteria. After receipt and review of additional information submitted by the parties, the record then closed on October 4, 2022.

On October 25, 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 and WFNJ/TANF benefits, to which she was not entitled. See Initial Decision at 8. The ALJ found that Respondent, while receiving SNAP and WFNJ/TANF benefits, deliberately and intentionally did not



report changes in her income and household composition, specifically, the addition of her nephew to her household, the receipt of earned income and unearned income in the form of Workers' Compensation benefits, and the receipt of monthly Supplemental Security Income ("SSI") benefits for her nephew, which resulted in an overissuance to Respondent in the amount of \$21,819.94 in SNAP benefits, for the period beginning June, 2011, through October, 2015, and an overissuance of \$2,411.45 in WFNJ/TANF benefits, for the period beginning May, 2014, through October, 2014. Id. at 2, 3, 4, 6; see also Exhibits P-3, P-4, P-5 through P-8, P-10, P-11, P-15, P-16, P-17, P-18, P-30; and N.J.A.C. 10:87-2.2, -5.4(a)(1), (2), -5.5, -9.5, and N.J.A.C. 10:90-2.7, -3.9(c), -3.21(a)(1).

As this was the first SNAP 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 9. As discussed above, on August 1, 2022, after Respondent executed the Waiver admitting to the facts presented, the Agency imposed a 6-month disqualification from receiving WFNJ/TANF benefits against Respondent, pursuant to N.J.A.C. 10:90-11.11(a)(1). See Initial Decision at 3; see also Exhibits P-25, P-26.

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 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.

November 9, 2022

Natasha Johnson

Assistant Commissioner

