



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 **04033-22 L.J.**

AGENCY DKT. NO. **C131930003 (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 report receipt of household earned income, while she received SNAP and WFNJ/TANF benefits, causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, the proposed disqualification penalties, and a Waiver of Right to Administrative Disqualification Hearing, relating to the issue of the overissuance SNAP benefits, via certified mail, return receipt requested, on March 24, 2022. See Initial Decision at 2; see also Exhibits P-14, P-15. Thereafter, on March 28, 2022, the Agency sent to Respondent, via certified mail, return receipt requested, a Waiver of Right to Administrative Disqualification Hearing, relating to the issue of the overissuance WFNJ/TANF benefits. See Initial Decision at 2; see also Exhibit P-16. Because Respondent failed to execute and return either 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 June 1, 2022, the Honorable Kim C. Belin, 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). Respondent was given ten days to present good cause for her failure to appear. Respondent did not respond, and the record then closed on that day.

On June 22, 2022, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondents 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 6. Specifically, the ALJ found that Respondent, while receiving SNAP and WFNJ/TANF benefits, deliberately and intentionally did not report the receipt of earned income, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$2,271, for the period beginning September, 2013, through November, 2013, and February, 2014, and an overissuance of \$2,730 in WFNJ/TANF benefits, for the period



beginning September, 2013, through February, 2014. Id. at 3, 4-5, 6; see also Exhibits 4, 5, 9, 10; 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 further found that a portion of the \$2,730 overissuance of WFNJ/TANF benefits Respondent had received, specifically, for the months of December, 2013, through February, 2014, totaling \$1,266 (\$393 + \$479 + \$394), is attributed to an Agency Error, whereby the Agency had failed to stop WFNJ/TANF benefit payments to Respondent, despite Respondent's eligibility for those benefits. See Initial Decision at 4, 6; see also Exhibit P-9 at 51-52, and N.J.A.C. 10:87-11.20(e)(3). As the Agency is obligated to seek recovery of all overpayments, regardless of fault, including Agency Errors, the \$1,266 was added to the total amount of WFNJ/TANF benefits which must be repaid to the Agency. See N.J.A.C. 10:90-3.21(a)(1). I agree.

As this was the first IPV committed by Respondent, 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 6.

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.

July 7, 2022

Natasha Johnson
Assistant Commissioner

