



## State of New Jersey

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*Governor*

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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 **04272-22 M.W.**

AGENCY DKT. NO. **C147430003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner Agency charges Respondents, M.W. and E.H., with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondents intentionally failed to report receipt of household earned income, while they received SNAP benefits, thus 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 28, 2022. See Exhibits P-15, P-16. Because Respondents failed to execute and return the 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 Exhibit P-14. On June 20, 2022, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open and then closed on June 21, 2022, upon receipt and review of additional information from the Agency. 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 following the hearing, to present good cause for their failure to appear. Respondents did not respond.

On July 12, 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 M.W. had deliberately and intentionally withheld information from the Agency, which resulted in Respondents receiving an overissuance of SNAP benefits, to which they were not entitled. See Initial Decision at 5. Specifically, the ALJ found that M.W. intentionally did not report her earned income, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$2,980, for the period of November, 2019, through February, 2020. Id. at 2, 3; see also Exhibits P-1, P-3, P-5, P-6, P-7, P-9, P-10, and N.J.A.C. 10:87-5.4(a)(1), (2), -9.5. Additionally, because M.W. intentionally did not report her employment income, the ALJ ordered that only M.W., and not E.H., is disqualified from receipt of SNAP benefits, for a period of 12 months, pursuant to N.J.A.C. 10:87-11.2(k), as this is her first IPV. See Initial Decision at 4; see also N.J.A.C. 10:87-11.20(a)(1).



The ALJ also found that while a 12-month disqualification period from receiving SNAP benefits is not imposed against Respondent E.H., because he was an adult member of the household when the overissuance of SNAP benefits had occurred, he, too, is responsible for repayment of the overissuance of SNAP benefits. See Initial Decision at 4-5, see also N.J.A.C. 10:87-11.20(d)(1).

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 overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondent M.W. 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.

August 11, 2022

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Natasha Johnson

Assistant Commissioner

