



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 **04793-22 P.S.**

AGENCY DKT. NO. **C148470003 (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 intentionally failed to report receipt of household earned income, and also intentionally failed to report unearned household income, in the form of child support ("CS") payments, while she received SNAP benefits, thus 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, and the proposed disqualification penalty, via certified mail, return receipt requested, on April 25, 2022. See Exhibits 12, 13. 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. See Exhibit 11. On June 29, 2022, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open to allow the parties to present evidence regarding the Respondent's claim that she attempted to notify the Agency of the changes in her income. The Agency's post-hearing submission was received on June 29, 2022. Respondent was given until July 8, 2022, to file her post-hearing submission. No response was received by, or on behalf of, Respondent, and the record then closed on July 9, 2022.

On July 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 withheld information from the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits, to which she not entitled. See Initial Decision at 7. Specifically, the ALJ found that Respondent intentionally did not report the receipt of earned income, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,599, for the period of April, 2016, through August, 2016. Id. at 4; see also Exhibits 1, 6, 7; and N.J.A.C. 10:87-5.4(a)(1), (2), -9.5. As this was the first 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 7.



Notably, as it relates to the unearned income, specifically, the CS payments, the ALJ found that the Agency had not 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 benefits, to which she was not entitled. Ibid. Specifically, the ALJ found that Respondent did report the weekly CS payments to the Agency in March 2016. Id. at 6; see also Exhibit 21. Accordingly, the ALJ reversed the Agency's determination to disqualify Respondent from participating in the SNAP program for 12 months, based on her alleged failure to report her unearned CS income. Id. at 7; see also N.J.A.C. 10:87-11.2(a)(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 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 25, 2022

Natasha Johnson

Assistant Commissioner

