



## State of New Jersey

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*Governor*

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 **03699-22 T.B.**

AGENCY DKT. NO. **C063280003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner Agency charges Respondents, T.B., R.B. (formerly known as R.R.), S.R. and J.C., 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, and unearned income in the form of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, while they received SNAP benefits, thus causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents T.B., R.B. and J.C. were properly noticed of the Administrative Disqualification Hearing ("ADH"), the charges against them, and the proposed disqualification penalties, via certified mail, return receipt requested, on March 28, 2022, April 9, 2022, and March 28, 2022, respectively. See Exhibits P-21, P-22. The ADH for Respondent S.R. was returned unclaimed and unable to forward. See Exhibit 23. 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-20. On May 25, 2022, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. 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). The day after the hearing, the Agency provided documentation clarifying one of its exhibits. Respondents were given ten days following the hearing to present good cause for their failure to appear. Respondents did not respond, and the record then closed on June 3, 2022.

On June 23, 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 Respondents receiving an overissuance of SNAP benefits to which they were not entitled. See Initial Decision at 9. Specifically, the ALJ found that Respondents collectively, and intentionally did not report household earned income, receipt of WFNJ/TANF benefits, and the receipt of SNAP benefits from another state, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$2,788.68, for the period of May, 2014, through September, 2014, and the amount of \$2,063, for the period beginning October, 2014, through April, 2015. Id. at 3, 4, 8; see also Exhibits P-4, P-5, P-6, P-7, P-10, P-11, P-12, P-13, and N.J.A.C.



10:87-5.4(a)(1), (2), -9.5. The total amount of overissued SNAP benefits totals \$4,851.68 (\$2,788.68 + \$2,063). See Initial Decision at 8; see also Exhibit P-13 at 73. The ALJ also found that Respondents were adult members of the household when the periods of overissuances of SNAP benefits had occurred, and therefore, are responsible for repayment of the overissuances of SNAP benefits. See Initial Decision at 4-5, see also N.J.A.C. 10:87-11.20(d)(1). However, because Respondent J.C. had moved out of the residence in January, 2014, and was removed from T.B.'s SNAP household, effective, October 1, 2014, he is only jointly responsible for repayment of the SNAP overissuance for the period beginning May, 2014, through September, 2014, in the amount of \$2,788.68. See Initial Decision at 6-7, 8.

As this was the first IPV committed by Respondents, 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), against all four Respondents. See Initial Decision at 8.

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 Respondents are disqualified from receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the overissuances.

Officially approved final version.

September 1, 2022

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Natasha Johnson  
Assistant Commissioner

