



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 **06785-22 A.B.**

AGENCY DKT. NO. **C022090005 (CAPE MAY COUNTY WELFARE BOARD)**

Petitioner Agency seeks a finding that Respondent committed an intentional program violation (“IPV”) of the Supplemental Nutrition Assistance Program (“SNAP”). The Agency asserts that Respondent failed to report a change in household composition while receiving SNAP benefits, thus causing Respondent to qualify for a higher monthly SNAP benefits allotment than that to which he was entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalties, via certified mail, return receipt requested, on June 13, 2022. See Exhibit P-1 at 23-25, 26, 27-28. Because Respondent failed to execute and return the waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law (“OAL”) for a hearing as a contested case. *Id.* at 34-35. On August 18, 2022, the Honorable Kathleen M. Calemme, 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 10 days from the date of the hearing to show good cause for his failure to appear. Respondent did not respond by the end of the 10-day period, and the record then closed on August 29, 2022.

On August 30, 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 being deemed eligible for a higher SNAP benefits allotment than that which he was actually entitled to. See Initial Decision at 6. Specifically, the ALJ found that Respondent’s spouse had resided with Respondent since 2015, and that Respondent had intentionally reported that his household size was only comprised of himself when continuing to renew his SNAP benefits, which resulted in a miscalculation of the correct SNAP benefits allotment to Respondent. *Id.* at 4, 6; see also Exhibit P-1 at 1-2, 4, 5, 6, 10-12, 13-15, and N.J.A.C. 10:87-2.2(a)(3), -9.5.

It should be noted that, in this matter, Petitioner Agency is not seeking to recoup any overissuance of SNAP benefits issued to Respondent, as Petitioner Agency did not calculate an overpayment amount it is seeking to recoup from the Respondent.



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. See Initial Decision at 6, and N.J.A.C. 10:87-11.2(a)(1).

No Exceptions to the Initial Decision were filed by either party.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision in the present matter, and following an independent evaluation of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, and as the Agency is only seeking to impose the one-year disqualification penalty from receipt of SNAP benefits against Respondent, I ORDER that Respondent is hereby disqualified from receipt of SNAP benefits for a period of 12 months.

Officially approved final version.

September 22, 2022

Natasha Johnson
Assistant Commissioner

