



## 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 **05570-22 B.M.**

AGENCY DKT. NO. **C381278007 (ESSEX COUNTY DEPT. OF CITIZEN SVCS.)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency also seeks to recoup an overpayment of SNAP benefits in the amount of \$1,001.14, as it asserts that Respondent improperly used her SNAP benefits during a period from December 4, 2020, through April 8, 2021. See Initial Decision at 3; see also Exhibit P-1 at 1. On May 27, 2022, Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested. See Exhibit P-1 at 61-62. 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 for a hearing as a contested case. *Id.* at 49-50. The hearing was initially scheduled for July 25, 2022, but was adjourned at the Agency's request, based on the non-receipt of documentation in support of the Agency's position. On the rescheduled date of September 2, 2022, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed.

On September 8, 2022, the ALJ issued an Initial Decision, which found that the Agency had not met its burden in establishing, by clear and convincing evidence, that Respondent committed an IPV, by participating in the transferring or trafficking of SNAP benefits. See Initial Decision at 5; see also N.J.A.C. 10:87-11.3(a)(2). Specifically, the ALJ found that Respondent credibly and persuasively testified that her purchases were legitimate grocery store purchases, and that the frequency of some of her purchases on consecutive days were necessitated by her bus transportation. See Initial Decision at 3, 4. The ALJ further found that some transactions that were made on consecutive days did not establish that Respondent committed fraud, or intentionally violated the SNAP program. *Id.* at 4; see also Exhibit P-1 at 22-23, 32-39, 40-46, and N.J.A.C. 10:87-11.20(y). Accordingly, based upon the record presented, the ALJ concluded that Respondent did not commit an IPV, and dismissed the Agency action seeking to disqualify Respondent from receipt of SNAP benefits, and also seeking to recoup \$1,001.14 in previously issued SNAP benefits. See Initial Decision at 5; see also Exhibit P-1 at 55-57, and 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.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter.

Officially approved final version.

September 22, 2022

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Natasha Johnson  
Assistant Commissioner

