



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 **00529-22 M.C.**

AGENCY DKT. NO. **S630650012 (MIDDLESEX COUNTY BD OF SOC SCVS)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent misrepresented his address in order to receive SNAP benefits simultaneously in two states, thus causing Respondent to receive an overissuance of benefits to which he was not entitled. On December 29, 2021, Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalty via certified mail, return receipt requested. See Exhibits P-1, P-2. On January 24, 2022, Respondent signed and returned the waiver of his right to a hearing, admitting to the facts as alleged by Petitioner Agency, and also acknowledging that a 10-year disqualification penalty from receipt of SNAP benefits will be imposed against him. See Initial Decision at 5; see also Exhibit P-15. As Petitioner's signed waiver was not returned to the Agency within the required time frame, on February 8, 2022, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. See Initial Decision at 4. 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). The record remained open for ten days for Respondent to present good cause for his failure to appear. Respondent did not respond, and the record then closed.

On February 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 Respondent had deliberately and intentionally misrepresented information to the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits, to which he was not entitled. See Initial Decision at 6. Specifically, the ALJ found that Respondent intentionally applied for, and received, SNAP benefits in the State of New York, while still collecting SNAP benefits in New Jersey, during the period of November, 2020, through July, 2021, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,886. *Id.* at 2, 3, 4; see also Exhibits P-4, P-10, P-11, P-12, P-13, P-14; and N.J.A.C. 10:87-3.2, -3.3.

Additionally, because Respondent was found to have made a fraudulent statement or representation regarding his place of residence in order to receive multiple SNAP benefits, the ALJ concluded



that Petitioner is ineligible to participate in the SNAP program for ten years pursuant to N.J.A.C. 10:87-11.2(e). See Initial Decision at 6; see also N.J.A.C. 10:87-3.18.

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, and ORDER that Respondent is disqualified from receipt of SNAP benefits for a period of 10 years. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

March 21, 2022

Natasha Johnson
Assistant Commissioner

