



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Acting Commissioner*

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*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 **00658-22 S.A.**

AGENCY DKT. NO. **S622192012 (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 her address in order to receive SNAP benefits simultaneously in two states, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. On January 7, 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 Exhibits P-1, P-2. 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. See Exhibit P-3. On February 9, 2022, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. See Initial Decision at 2. Respondent did not appear for the telephonic 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 to allow Respondent to present good cause for her failure to appear. See Initial Decision at 2. Within the ten days following the hearing, Respondent presented good cause for her failure to appear, the record was reopened, and a new hearing was then scheduled. Ibid. On March 18, 2022, a new plenary hearing convened, with both parties appearing telephonically. On that same date, the record then closed.

On March 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 she was not entitled. See Initial Decision at 5. 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 October 15, 2019, through January 31, 2020, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,335. Id. at 3, 5; see also Exhibits P-4, P-5, P-7, P-8, P-11, P-12, P-13; 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 her 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 5, 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 ten years. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

April 01, 2022

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Natasha Johnson  
Assistant Commissioner

