



State of New Jersey

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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 **08677-22 A.H.**

AGENCY DKT. NO. **S449088014 (MORRIS CO. DIV. EMP. & TEMP ASST)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP") program. The Agency asserts that Respondent failed to report a change in household income while he was receiving SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which he was not entitled. On August 19, 2022, 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 Exhibit P-1 at 2, 3-4. 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 for a hearing as a contested case. *Id.* at 5-6. On October 13, 2022, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a telephonic hearing, took testimony, admitted documents, and the record then closed. 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 was left open for 10 days following the conclusion of the testimony to allow Respondent to show good cause for his failure to appear. Respondent did not respond.

On October 24, 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 receiving an overissuance of SNAP benefits to which he was not entitled. See Initial Decision at 5. Specifically, the ALJ found that Respondent intentionally failed to report earned income, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$132, for the period beginning May, 2019, through December, 2019. *Id.* at 3, 6; see also Exhibit P-1 at 14-23, 24-26, 27-42, 43, 44-47, 48-52, and N.J.A.C. 10:87-5.4(a) (1), -9.5.

As the record in this matter reflects that Respondent has since paid back the overissuance of \$132 in full, the sole remaining issue before the ALJ was the imposition of the mandatory regulatory penalty. See Initial Decision at 5; see also Exhibit P-1 at 53-55. Based upon the ALJ's finding that Respondent had committed an IPV, thereby warranting disqualification from the receipt of SNAP benefits, 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). See Initial Decision at 6. I agree.

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 and 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 hereby disqualified from the receipt of SNAP benefits for a period of 12 months.

Officially approved final version. November 9, 2022

Natasha Johnson
Assistant Commissioner

