



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 **08299-22 J.A.**

AGENCY DKT. NO. **S460361014 (MORRIS CO. DIV. EMP. & TEMP ASST)**

Petitioner Agency seeks a finding that Respondent committed an intentional program violation (“IPV”) of the Supplemental Nutrition Assistance Program (“SNAP”), and to impose a 12-month disqualification penalty from receipt of SNAP benefits. The Agency is not seeking to recoup the amount of overissued SNAP benefits Respondent had received, as the full amount of the overissuance has already been repaid to the Agency. The Agency asserts that Respondent failed to report earned income while receiving SNAP benefits, thus causing Respondent to qualify for a higher monthly SNAP benefits allotment than that to which she was entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalties, via certified mail, return receipt requested, on August 10, 2022. See Exhibit P-1 at 1, 2-3. 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 (“OAL”) for a hearing as a contested case. *Id.* at 4-5. On October 6, 2022, the Honorable Susana E. Guerrero, Administrative Law Judge (“ALJ”), held a telephonic plenary 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).

On October 11, 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 had committed an IPV. See Initial Decision at 4. Specifically, the ALJ found that the record contained insufficient evidence to demonstrate that Respondent intentionally concealed or withheld from the Agency, that she became employed in August, 2018, and that she started to receive income, while receiving SNAP benefits. *Ibid.*; see also Exhibits P-6, P-8, P-9. Accordingly, based upon the record presented, the ALJ reversed the Agency’s determination that Respondent committed an IPV. See Initial Decision at 5; see also Exhibit P1- at 2-3, and N.J.A.C. 10:87-11.3. Further, because the ALJ concluded that the Agency did not present clear and convincing evidence that Respondent had committed an IPV, the ALJ did not impose a 12-month disqualification penalty from receipt of SNAP benefits, against Respondent. See Initial Decision at 5; see also N.J.A.C. 10:87-11.2(a)(1). 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 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. October 25, 2022

Natasha Johnson
Assistant Commissioner

