



## 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 **07603-22 A.H.**

AGENCY DKT. NO. **C065577015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency charges Respondents, A.H. and M.H., separately, with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondents intentionally failed to report receipt of household earned income, while they received SNAP benefits, thus causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents were properly noticed of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalties, via certified mail, return receipt requested, on August 11, 2022. See Exhibit P-1. Because Respondents failed to execute and return the waiver of their right to a hearing, their separate matters were transmitted to the Office of Administrative Law ("OAL") for a hearing as contested cases. On September 20, 2022, at the commencement of the hearing, the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ"), consolidated Respondents' separate matters. On that same date, the ALJ held a telephonic plenary hearing, took testimony, and admitted documents. Respondents 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). Following the hearing, and at the ALJ's direction, the Agency submitted a February 25, 2021, Notice of Termination of Respondents' SNAP benefits, as an addendum to an exhibit. Respondents were given ten days following the hearing, to present good cause for their failure to appear. Respondents did not respond, and the record then closed on September 30, 2022.

On October 3, 2022, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondents A.H. and M.H. had deliberately and intentionally withheld information from the Agency, which resulted in Respondents receiving an overissuance of SNAP benefits, to which they were not entitled. See Initial Decision at 6. Specifically, the ALJ found that Respondents intentionally did not report household earned income, specifically, self-employment income, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$12,081, for the periods of November, 2015, through January, 2016, and September, 2020, through March, 2021, and an overissuance of SNAP benefits in the amount of \$13,293, for the period beginning February, 2016, through February, 2017. *Id.* at 4, 5; see also Exhibits P-2, P-3, P-4, P-5, P-6, P-7,



and N.J.A.C. 10:87-5.4(a)(1), (2), -9.5. The total amount of overissued SNAP benefits the Agency is seeking to recoup is \$25,374 (\$12,081 + \$13,293 = \$25,374). See Initial Decision at 5.

As this was the first IPV committed by Respondents, 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.

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.

I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondents, A.H. and M.H., are disqualified from receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

October 20, 2022

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Natasha Johnson

Assistant Commissioner

