



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 **07608-22 N.S.**

AGENCY DKT. NO. **C106169015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency ("Agency") charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent failed to accurately report household income, and household composition, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on July 21, 2022. See Exhibit P-1 at 1-2, 6. Because Respondent failed to timely 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 3-4, 5. Notably, Respondent had advised the Agency that she did not wish to attend the hearing, and that she would likely waive it. See Initial Decision at 4. However, no waiver was ever received by the Agency or the OAL. *Ibid.* On September 22, 2022, the Honorable Sarah H. Surgent, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record closed that day. Respondent did not call in 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).

Respondent was given ten days to present good cause for her failure to appear, but did not contact the OAL.

On October 7, 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 she was not entitled. See Initial Decision at 6. Specifically, the ALJ found that Respondent had intentionally failed to report that the father of one of her minor children had resided in the same household as Respondent, and that he had earned income, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$19,191.39, for the period beginning December, 2014, through October, 2020. *Id.* at 3, 4, 6; see also Exhibit P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P-10, P-11, and N.J.A.C. 10:87-2.2(a), -5.2(a)(1), -9.5.



As this was the first IPV committed by Respondent, 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 Respondent is 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

Natasha Johnson
Assistant Commissioner

