



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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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 **07073-22 T.B.**

AGENCY DKT. NO. **C165185015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner 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 composition and earned income, while she was receiving SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was timely served with notice of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on July 15, 2022. See Exhibit P-1 at 1-2, 5-7. Because Respondent did not sign for the certified mail, the Agency contacted her to confirm receipt of the documents. Thereafter, the Agency confirmed that Respondent had received the documents served on July 15, 2022, and also confirmed with Respondent that she would appear telephonically on September 9, 2022. See Initial Decision at 2. Also, as Respondent had failed to execute and return the waiver of her right to a hearing; accordingly, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. *Id.* at 3-4.

On September 6, 2022, Respondent contacted the Agency to advise that she may not appear telephonically at the September 9, 2022, hearing, due to that date also being her children's first day of school. See Initial Decision at 2. On September 8, 2022, Respondent contacted the Agency again by telephone, and left a voicemail message stating that she had a medical emergency. *Ibid.* Notably, Respondent had also contacted the OAL, and had spoken with a person at the Administrative Law Judge's ("ALJ") chambers, to state that she was in the emergency room. *Ibid.* Respondent agreed to provide proof of her admission to the emergency room, and/or being under continuing medical care. *Ibid.* However, no documentation was received before the September 9, 2022, hearing date.

On September 9, 2022, the Honorable Tricia M. Caliguire, ALJ, held a telephonic plenary hearing, took testimony, and admitted documents. 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). Respondent was given ten days from the date of the hearing to present good cause for her failure to appear.



On September 12, 2022, Respondent submitted a copy of a September 12, 2022, letter from a dentist indicating that she was under treatment for a dental procedure, and to please excuse Respondent from work on September 7 and 8, 2022. See Initial Decision at 3; see also Exhibit R-1. Respondent was notified that the letter from the dentist was not deemed good cause, and insufficient to cause Respondent to miss the telephonic hearing dated September 9, 2022. Respondent failed to submit any additional information, and the record then closed on September 19, 2022.

On September 20, 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 failed to report that R.G., a non-marital adult partner and the father of one of Respondent's two minor children, had resided in the household with Respondent and the two minor children, and that R.G. had earned income, and contributed financially to the household, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$11,408, for the period beginning July, 2019, through October, 2021. Id. at 3, 4, 5; see also Exhibits P-2, P-3, P-4, P-6, P-7, P-8, P-9, P-10, P-11; and N.J.A.C. 10:87-2.2, -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)(2). 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 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.

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 ineligible to participate in the SNAP for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

September 28, 2022

Natasha Johnson
Assistant Commissioner

