



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 **00695-22 S.R.**

AGENCY DKT. NO. **C442863004 (CAMDEN 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 income from employment, thus causing Respondent to receive an overissuance of benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalty, via certified mail, return receipt requested, on January 21, 2022. See Exhibits P-1, P-2. Because Respondent failed to timely execute and return the waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. On February 10, 2022, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents. The hearing began at 9:00am, the designated start time. 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 ALJ noted that the record would remain open for ten days to allow Respondent to present good cause for his failure to appear at the hearing. At approximately 11:15am, on the date of the hearing, Respondent contacted the OAL, and was advised that he needed to forward a letter to both the Court and to the Agency's representative, notifying them of the reason for his non-appearance at 9:00am, and also requesting that the hearing be reopened. On February 22, 2022, the OAL received Respondent's letter dated February 10, 2022, explaining why he missed the time for his hearing, and requesting that he be heard. See Exhibit R-1. The letter was postmarked February 17, 2022. Ibid. The Agency received a copy of Respondent's letter on February 22, 2022, and gave assent to allow Respondent to present his position. See Initial Decision at 2. The ALJ found that Respondent did present good cause for his failure to appear for the hearing, and reopened the record for a second day of testimony, to be held on March 21, 2022. Ibid. On March 22, 2022, the Agency submitted revised calculations of the estimated benefit overissuance to address calculation issues raised during the hearing. Following receipt of the information from the Agency, the record then closed on March 23, 2022.

On March 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 6. Specifically, the ALJ found that Respondent, while receiving SNAP benefits, did not report employment income which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,132, for the periods beginning November, 2019, through February, 2020, and April, 2020, through July, 2020. Id. at 4; see also Exhibits P-3, P-5, P-8, P-12, P-13, and N.J.A.C. 10:87-5.2(a)(1), -5.4(a), -9.5, -11.20(a), (b).

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 7.

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.

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.

March 30, 2022

Natasha Johnson

Assistant Commissioner

