



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 **02242-22 T.L.**

AGENCY DKT. NO. **C059084012 (MIDDLESEX COUNTY BD OF SOC SCVS)**

Petitioner Agency charges Respondent with committing an intentional program violation (“IPV”) of the Work First New Jersey/General Assistance (“WFNJ/GA”) program. Petitioner Agency asserts that Respondent failed to report earned income while receiving WFNJ/GA benefits, thus causing her 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, on February 24, 2022. See Exhibits P-1, P-2. 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 for a hearing as a contested case. See Exhibit P-3. On April 19, 2022, the 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 provided 10 days, following the conclusion of the testimony, to show good cause for her failure to appear, or otherwise submit additional documentation. No response was received, and the record then closed.

On May 2, 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 WFNJ/GA benefits to which she was not entitled. See Initial Decision at 5. Specifically, Respondent intentionally and falsely reported that she was terminated from her job, and that her last day of work was June 5, 2021, when, in fact, she had been employed, and had earned income for the period beginning June 12, 2021, through October 7, 2021. See Initial Decision at 3; see also Exhibits P-6, P-7, and N.J.A.C. 10:90-2.7(a)(1). Accordingly, the Agency determined that because Respondent had failed to report her earnings, she was not eligible for WFNJ/GA benefits received in September, 2021, and October, 2021, which resulted in an overissuance of WFNJ/GA benefits to Respondent in the amount of \$370. See Initial Decision at 4; see also Exhibit P-5, and N.J.A.C. 10:90-3.1, -3.8, -3.21(a).



As this was the first IPV committed by Respondent, the ALJ ordered the mandatory regulatory penalty of a six-month disqualification from receipt of WFNJ/GA benefits, pursuant to N.J.A.C. 10:90-11.11(a) (1). See Initial Decision at 5.

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 disqualified from receipt of WFNJ benefits for a period of six months. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

May 6, 2022

Natasha Johnson
Assistant Commissioner

