



State of New Jersey

PHILIP D. MURPHY
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 **05499-22 C.M.**

AGENCY DKT. NO. **C061219020 (UNION COUNTY DIVISION 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 improperly used his SNAP benefits in March, 2022.

On March 29, 2022, the Agency met with Respondent in person, and advised that he was suspected of committing an IPV of the SNAP program. See Exhibit P-1 at 3-4, 5-6, 12. The Agency further explained to Respondent that he could sign a Waiver of Right to Administrative Disqualification Hearing ("Waiver"), accepting the penalty of a 12-month disqualification period from receipt of SNAP benefits for participating in the transferring or trafficking of SNAP benefits, or request an Administrative Disqualification Hearing ("ADH"). See Initial Decision at 2; see also Exhibit P-1 at 10-11; and N.J.A.C. 10:87-11.3(a)(2), -11.6(a)(2). On that same date, Respondent signed the Waiver, admitting to the facts as alleged by Petitioner Agency, and also acknowledging that a 12-month disqualification penalty from receipt of SNAP benefits would be imposed against him. See Initial Decision at 2; see also Exhibit P-1 at 10-11. Thereafter, on April 5, 2022, the Agency issued an adverse action notice, advising that, as Respondent had signed the Waiver on March 29, 2022, Respondent's SNAP benefits would terminate effective May 1, 2022. See Exhibit P-1 at 7-8.

Respondent appealed the termination of SNAP benefits, and the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case, and Respondent was notified that he was scheduled to appear. See Initial Decision at 2; see also P-1 at 1-2. On July 29, 2022, the Honorable Kimberly A. Moss, Administrative Law Judge ("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). The record then closed on that same date.

On August 4, 2022, the ALJ issued an Initial Decision, dismissing this matter as moot. See Initial Decision at 9. Specifically, the ALJ found that since Respondent had signed the Waiver on March 29,



2022, the July 29, 2022, ADH was no longer required. See Initial Decision at 4; see also N.J.A.C. 10:87-11.6. I agree with the ALJ's finding.

Notably, on August 10, 2022, Respondent contacted the Bureau of Administrative Review and Appeals ("BARA"), to request a second fair hearing regarding the termination of his SNAP benefits. However, Respondent had signed the ADH Waiver, accepting the 12-month disqualification penalty, did not appear for the July 29, 2022, telephonic hearing, despite proper notice of same, and did not contact the OAL to provide any good cause explanation for his non-appearance. Moreover, in accordance with N.J.A.C. 10:87-8.5, a fair hearing may only be requested within 90 days of the Agency's adverse action. Here, the second request was clearly beyond the 90-day limitation. For the foregoing reasons, Respondent is not entitled to another fair hearing on this issue.

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 ORDER that Respondent is disqualified from receipt of SNAP benefits for a period of 12 months beginning May 1, 2022. See Exhibit P-1 at 8. I further ORDER that the Agency is to recoup the improperly transferred or trafficked SNAP benefits, if any.

Officially approved final version.

September 20, 2022

Natasha Johnson
Assistant Commissioner

