



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **08363-22 K.P.**

AGENCY DKT. NO. **C249404020 (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 her SNAP benefits during a period from June, 2021, through June, 2022. On August 11, 2022, Respondent was properly noticed of the Administrative Disqualification Hearing ("ADH"), the charges against her, and the proposed disqualification penalty via certified mail, return receipt requested. See Exhibit P-1 at 1, 2-3, 6. 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. *Id.* at 4-5. The hearing was initially scheduled for October 7, 2022, but was adjourned because the ADH listed the wrong time. On the rescheduled date of November 4, 2022, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a telephonic hearing, took testimony, admitted documents, and the record then closed.

On that same date, 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 participated in the transferring or trafficking of SNAP benefits. See Initial Decision at 5. Specifically, the ALJ found that Respondent's SNAP history of spending large amounts of SNAP benefits within a few days of the prior transaction indicate that she either sold or shared her SNAP benefits with others. *Id.* at 2-3, 4, 6; see also Exhibit P-1 at 11, 14, 17-30, and N.J.A.C. 10:87-11.3(a)(2). Notably here, the ALJ also found that Respondent, while receiving SNAP benefits through January, 2022, did not inform the Agency that her child no longer lived with her as of January, 2022. See Initial Decision at 6.

Based upon the ALJ's finding that Respondent had committed an IPV, thereby warranting disqualification from the receipt of SNAP benefits, 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). *Ibid.* I agree.

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.

Additionally, while I agree with the ALJ's conclusion that Respondent committed an IPV, warranting a 12-month disqualification period from receipt of SNAP benefits, it should be noted that with respect to matters wherein IPV's are alleged to have been committed, the Agency is responsible for initiating an ADH. See N.J.A.C. 10:87-11.1. Accordingly, as the Agency is the party requesting relief in an IPV case, it is the "Petitioner." See N.J.A.C. 1:1.2.1, "Definitions." Conversely, the party responding to the Agency's request for relief in an IPV case is the "Respondent." Ibid. Here, K.P., was incorrectly referred to as "Petitioner," when she was, in fact, the Respondent. The Agency was incorrectly referred to as "Respondent" throughout the Initial Decision, when it should be have referred to as Petitioner. Therefore, the Initial Decision is modified so as to reflect the correct designation of the parties.

Accordingly, based upon the foregoing, I hereby MODIFY the Initial Decision in this matter, and ORDER that Respondent is hereby disqualified from the receipt of SNAP benefits for a period of 12 months.

Officially approved final version.

December 08, 2022

Natasha Johnson
Assistant Commissioner

