



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 **08387-22 T.S.**

AGENCY DKT. NO. **C135890020 (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 January, 2022, through August, 2022. On August 31, 2022, Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty via personal service, and also by certified mail, return receipt requested. See Exhibit P-1 at 1, 2-3, 5. 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. On October 14, 2022, the Honorable Julio C. Morejon, 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 remained open for 10 days for Respondent to show good cause for her failure to appear. Respondent did not respond, and the record then closed.

On October 25, 2022, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that for the period beginning January, 2022, through August, 2022, Respondent had participated in the transferring or trafficking of SNAP benefits. See Initial Decision at 5-6. Specifically, the ALJ found that Respondent engaged in the sale of her SNAP Electronic Benefits Transfer ("EBT") card for cash to a third party, and that she intentionally concealed the sale of her SNAP EBT card for cash to a third party, until she later admitted it to Petitioner Agency. *Id.* at 5; see also Exhibit P-1 at 7, 8, 10-11, 12, 17, 18, 22-60; and N.J.A.C. 10:87-11.3(a)(1), (2). 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 by Respondent, pursuant to N.J.A.C. 10:87-11.2(a)(1). See Initial Decision at 7. The ALJ further ordered that Respondent is responsible for restitution of the \$1,891 in SNAP benefits. *Ibid.*

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 direct that the Agency proceed to recoup the improperly transferred or trafficked benefits.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondent is ineligible to participate in SNAP for a period of 12 months. I further ORDER that the Agency is to recoup the improperly transferred or trafficked benefits.

Officially approved final version.

December 8, 2022

Natasha Johnson

Assistant Commissioner

