



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 **06613-25 K.G.**

AGENCY DKT. NO. **C439410007 (ESSEX COUNTY DEPT. OF CITIZEN SVCS.)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV"), as defined by N.J.A.C. 10:87-11.3 and 7 C.F.R. 273.16, of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent improperly and intentionally misused her SNAP benefits from February 18, 2023, to February 27, 2023, and on April 8, 2023. Respondent was properly noticed of the Administrative Disqualification Hearing ("ADH"), the charges against her, and the proposed disqualification penalty, on March 25, 2025. See Exhibit P-1; see also N.J.A.C. 10:87-11.5(a)(3)(i) and 7 C.F.R. 273.16(e)(3)(i). 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. The matter was initially scheduled for April 30, 2025, but was adjourned to May 28, 2025, at which time Respondent failed to appear. On May 28, 2025, the Honorable Aurelio Vincitore, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents, and the record closed. Respondent did not appear for the hearing, and the matter proceeded ex parte, which is permissible pursuant to regulation. See N.J.A.C. 1:10-14.1(d), N.J.A.C. 10:87-11.5(a)(4)(i), and 7 C.F.R. 273.16(e)(4). Immediately following the May 28, 2025 hearing, Respondent contacted the Agency and requested an adjournment due to a family medical emergency. The hearing was rescheduled for July 7, 2025, at which time Respondent failed to appear, and the ALJ utilized the hearing record from May 28, 2025, to author the Initial Decision. Respondent was given ten days following the hearing, to present good cause for her failure to appear. See 7 C.F.R. 273.16(e)(4). Respondent did not respond. On July 17, 2025, the ALJ issued an Initial Decision, finding that Respondent had committed an IPV, and ordering that Respondent be disqualified from receiving SNAP benefits for a period of twelve months.

An IPV consists of having intentionally committed any act that constitutes a violation of the NJ SNAP program rules, for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of benefits. See N.J.A.C. 10:87-11.3(a)(2) and 7 C.F.R. (c)(2). An ALJ shall base the finding of an IPV on clear and convincing evidence which demonstrates that the household member committed, and intended to commit, an IPV. See N.J.A.C. 10:87-11.5(a)(6), 7 C.F.R. 273.16(c)(1) and 7 C.F.R. 273.16(e)(4).

The ALJ's Initial Decision found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondent had attempted to repeatedly participate in the transferring of her SNAP benefits, likely for the receipt of cash, on multiple instances at a single retail location from February 18, 2023 through February 27, 2023, as well as on April 8, 2023. See Initial Decision at 3; see also N.J.A.C. 10:87-11.3(a), -11.5(a)(6), 7 C.F.R. 273.16(c)(1) and 7 C.F.R. 273.16(e)(4). The Agency presented a transaction history noting suspicious purchase activity at a retailer where Respondent had made numerous purchases with her electronic benefits card ("EBT"), for amounts that exceeded typical purchases at such location. Id. at 3; see also Exhibit P-1. Further, the Agency noted that Petitioner traveled approximately 15 minutes from



her home to this particular store rather than utilizing her SNAP benefits at closer locations. Ibid. In addition, the retailer was investigated at the Federal level for SNAP benefits trafficking due to suspicious transactions between February, 2023 and June, 2023, and subsequently lost their ability to accept SNAP benefits. Ibid. The ALJ found that Respondent was interviewed by investigators about the allegations of SNAP benefits trafficking and she did not deny the transactions. See Initial Decision at 4. Further, Respondent signed an agreement to repay overissued SNAP benefits on September 4, 2024, however, she crossed out the section acknowledging the 12-month penalty for the IPV, which led to the necessity for a hearing. Ibid.; see also Exhibit P-1.

Upon consideration of the Agency's testimonial and documentary evidence, the ALJ found that Respondent intentionally engaged in suspicious transactions that supported the Agency's theory that she sold or exchanged her SNAP benefits for cash, thus committing an IPV. See Initial Decision at 4. I agree. The IPV resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,426.55 for the period of February 18, 2023 through February 27, 2023, and April 8, 2023. See Initial Decision at 4; see also Exhibit P-1.

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 5; see also 7 C.F.R. 273.16(b)(1)(i).

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. See 7 C.F.R. 273.16(e)(6).

I direct that the Agency proceed to recoup the overissuance pursuant to N.J.A.C. 10:87-11.20 and 7 C.F.R. 273.18, if it has not already done so.

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 recoup the overissuance.

Officially approved final version. August 14, 2025

Natasha Johnson
Assistant Commissioner

