



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 **17164-24 E.S.**

AGENCY DKT. NO. **C260068020 (UNION COUNTY DIVISION OF SOC. 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 December 2022 through February 2023. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via USPS Certified Mail Return Receipt Requested, on October 10, 2024. See Exhibit P-5; 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. On December 13, 2024 the Honorable Andrew M. Baron, 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). 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 May 27, 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 12 months.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the Initial Decision, and following an independent evaluation of the record in this matter, I hereby MODIFY the ALJ's Initial Decision, based on the discussion below. See 7 C.F.R. 273.16(e)(6).

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 repeatedly used her SNAP benefits, in a suspicious manner, at a retail location investigated by the United States Department of Agriculture for fraud. See Initial Decision at 2; 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). Based upon an independent review of the record in this matter, the Agency identified a series of suspicious transactions at one particular retail location, which led to the Agency further investigating Respondent's SNAP benefits usage. See Initial Decision at 2-3; see also Exhibits P-1, P-2, P-3,



and P-4. The Agency presented a transaction history noting significant suspicious purchase activity at a small retailer where Respondent had made numerous purchases with her electronic benefits card ("EBT") for amounts that exceeded typical purchases at such location. See Exhibits P-1, P-2, P-3, and P-4. Respondent repeatedly failed to appear for interviews with the Agency to explain her transaction history. See Initial Decision at 3. 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 committed an IPV. Ibid. While I agree with the finding of an IPV, I hereby modify the Initial Decision to reflect that the IPV was based solely upon the suspicious EBT transaction activity of the Petitioner, and concerned neither a failure to report income, nor a failure to report child support, as stated in the Initial Decision. See Initial Decision at 2. Additionally, I hereby modify the Initial Decision to reflect that the overissuance of SNAP benefits occurred from December 2022 through February 2023, and totaled \$1,135.51 to avoid confusion due to the various dates and dollar amounts stated within the Initial Decision. See Initial Decision at 2-4; see also Exhibits P-1, P-2, P-3, and P-4.

Based upon the ALJ's finding, that Respondent had committed an IPV, pursuant to the applicable regulatory authority, 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). Id. at 4; see also 7 C.F.R. 273.16(b)(1)(i). I agree.

Accordingly, based upon the foregoing, I hereby MODIFY 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 to recoup the overissuance.

Officially approved final version. June 11, 2025

Natasha Johnson
Assistant Commissioner

