State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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STEPHEN CHA, MD, MHSR
Commissioner

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 **05146-26 K.B.**

AGENCY DKT. NO. **C802223007** (**ESSEX COUNTY DEPT. OF CITIZEN SVCS.**)

Petitioner Agency ("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(c)(2), of the Supplemental Nutrition Assistance Program ("SNAP.") Petitioner Agency seeks to disqualify Respondent from receiving SNAP benefits for 12 months, alleging that Respondent committed an IPV by trafficking her SNAP benefits. See Exhibit P-1 at 1, 3; see also N.J.A.C. 10:87-11.20(y), and 7 C.F.R. 273.18(b)(1). 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, on February 13, 2026. See Initial Decision at 2; see also Exhibit P-1 at 1-2, 6; and 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 ("OAL") for a hearing as a contested case. See Initial Decision at 2; see also Exhibit P-1 at 4-5. On April 9, 2026, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. On September 30, 2026, the ALJ issued an Initial Decision, which found that the Agency had not met its burden in establishing, by clear and convincing evidence, that Respondent had committed an IPV, by participating in the transferring or trafficking of SNAP benefits. See Initial Decision at 3; see also N.J.A.C. 10:87-11.20(y), and 7 C.F.R. 273.18(b)(1).

IPVs occur when SNAP benefits are issued as the result of an intentionally false or misleading statement, misrepresentation, concealment or withholding of facts, or when SNAP benefits are improperly used, presented, transferred, acquired, possessed or trafficked. See N.J.A.C.10:87-11.3(a)(1), (2); see also 7 C.F.R. 273.16. Only individuals found by a Federal, state or local court of having trafficked benefits for an aggregate amount of $500.00 or more, shall be permanently ineligible to participate in the SNAP program. See N.J.A.C. 10:87-11.2(d); see also 7 C.F.R. 273.16(b)(4). Hearings for individuals accused of IPVs are conducted through ADHs. See N.J.A.C. 10:87-11.5(a).

Here, the ALJ found that Respondent had not committed a SNAP IPV. See Initial Decision at 3. Specifically, the ALJ found that the Agency's evidence to support the finding that Respondent committed an IPV, was lacking in that the Agency had not provided even a specific amount of SNAP benefits that Respondent was alleged to have trafficked. Ibid. Lastly, the ALJ found that Respondent appeared at the ADH and challenged the allegations levied by the Agency. Ibid. Accordingly, based upon the record presented, the ALJ concluded that Respondent did not commit an IPV, and dismissed the Agency action seeking to disqualify Respondent from receipt of SNAP benefits. See Initial Decision at 5; see also Exhibit P-2, and N.J.A.C. 10:87-11.2(a)(1).

Based upon an independent review of the record, I agree with the ALJ for the following reasons. Pursuant to regulatory authority, for trafficking-related claims, the value of the trafficked benefits is determined by [the Respondent's] admission,

adjudication, or the documentation that forms the basis for the trafficking determinations. See 7 C.F.R. 273.18 (c)(2)(i-iii); see also N.J.A.C. 10:87-11.20(f)(2)(i). In this matter, while the Agency alleges that Respondent committed an IPV when she made large purchases at a supermarket using her Electronic Benefits Transfer card, the record was devoid of evidence to support a finding that Respondent committed a SNAP IPV, because neither the documentary evidence, nor any testimony by Respondent or the Agency exists to detail how Respondent engaged in trafficking of SNAP benefits. Therefore, I agree with the ALJ's findings that Respondent had not committed an IPV, by trafficking her SNAP benefits.

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).

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter.

Officially approved final version. October 29, 2026

Natasha Johnson
Assistant Commissioner