



State of New Jersey

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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 **19917-25 R.K.**

AGENCY DKT. NO. **C123942015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency charges Respondents, R.K. and Y.K. (docketed separately under Office of Administrative Law ("OAL") Docket Nos. HPW 19917-25 (R.K.) and OAL Docket No. HPW 19918-25 (Y.K.), respectively), 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), of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondents intentionally failed to accurately report R.K.'s ownership of a business while they received SNAP benefits, thus causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents were sent notice of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalty via Certified Mail. 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). As the return receipt received for the Certified Mail was illegible, the Agency investigator contacted Respondents' legal counsel via telephone to confirm receipt. Ibid. Because Respondents failed to execute and return the waiver of their right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. By Order of December 22, 2025, the Honorable Advia Knight Foster, Administrative Law Judge ("ALJ"), consolidated Respondents' separate matters. See N.J.A.C. 1:1-17.3(a). On January 12, 2026, the ALJ held the administrative disqualification hearing, took testimony, admitted documents, and the record closed.

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 the record in this matter, and hereby MODIFY the ALJ's Initial Decision, based on the discussion below. See 7 C.F.R. 273.16(e)(6).

On January 23, 2026, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondents had deliberately and intentionally withheld information from the Agency, which resulted in Respondents receiving an overissuance of SNAP benefits, to which they were not entitled. See Initial Decision at 2-5; see also Exhibits P-2, P-3, P-4, P-5, P-6, P-7, P-8 and 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). IPV's occur where the person intentionally "made a false or misleading statement, or misrepresented, concealed or withheld facts." See N.J.A.C. 10:87-11.3 and 7 C.F.R. 273.16(c). The ALJ found that Respondents intentionally failed to accurately report a business ownership, at the time of their SNAP application, and thereafter on various Interim Reporting Forms ("IRFs") which would have made their household ineligible to receive SNAP benefits. Ibid; see also N.J.A.C. 10:87-5.2(a)(1), -9.5(a)(3). Such misrepresentations of earned income received resulted in an overissuance of SNAP benefits to Respondents in the amount of \$11,420.49 for the periods of June, 2017 through



August 2017, September 2017 through April, 2018, and March, 2020 through May, 2020. See Initial Decision at 3-5; see also Exhibits P-2, P-3, P-4, P-5, P-6, P-7, P-8.

On November 23, 2021, Respondents paid the Agency the amount of \$11,420.49 in order to satisfy the overissuance of SNAP benefits. See Initial Decision at 4; see also Exhibit P-2. At the hearing, it was determined that no funds remain due and owing to satisfy the overissuance.

As this was the first IPV committed by Respondents, 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 4-5; see also 7 C.F.R. 273.16(b)(1)(i).

While I agree with the final conclusions of the ALJ in this matter, I am modifying the Initial Decision for the following reasons. With respect to a matter alleging an IPV, the Agency is responsible for initiating an administrative disqualification hearing. 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. In the caption of the Initial Decision, R.K. and Y.K. were incorrectly referred to as "Petitioners," when they were, in fact, the Respondents. The Agency was incorrectly referred to as "Respondent," when it should have been referred to as "Petitioner." Further, the parties were improperly identified as Petitioner(s) or Respondent(s) within the text of the Initial Decision, and accordingly, it is necessary to correct any party designations within the text of the Initial Decision itself. See Initial Decision at 4. Therefore, the Initial Decision is modified to reflect the correct designation of the parties within the case caption of the Initial Decision, and within the text of the Initial Decision.

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

Officially approved final version. February 19, 2026

Natasha Johnson
Assistant Commissioner

