



State of New Jersey

MIKIE SHERRILL
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

TRENTON, NJ 08625-0716

STEPHEN CHA, MD, MHSR
Commissioner

DR. DALE G. CALDWELL
Lt. Governor

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 **08106-26 S.A.**

AGENCY DKT. NO. **C312887020 (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") and, as defined by N.J.A.C. 10:90-11.1(a), the Work First New Jersey/General Assistance ("WFNJ/GA") Program. The Agency asserts that Respondent intentionally provided incomplete, misleading, false, or inaccurate information regarding his residency in order to obtain benefits simultaneously in two states, thus causing Respondent to receive overissuances of benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalties, via personal service on March 19, 2026. 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 his right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. On May 22, 2026, 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 his failure to appear. See 7 C.F.R. 273.16(e)(4). Respondent did not respond.

Exceptions to the Initial Decision were received from the Agency's counsel on August 25, 2026.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the Initial Decision and the record, and hereby MODIFY the ALJ's Initial Decision, based on the discussion below.

In accordance with applicable regulatory authority, a SNAP benefits household must reside in the county in which it files for benefits, and may not collect SNAP benefits in more than one county. See N.J.A.C. 10:87-3.2(a). Additionally, SNAP benefits households are required to report certain changes within 10 days which can impact eligibility and/or allotment amount, including a change in residence. See N.J.A.C. 10:87-9.5(a)(2), (b)(1)(iv).

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, received or trafficked. See N.J.A.C. 10:87-11.3(a)(1), (2).

An individual found to have made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple SNAP benefits simultaneously shall be ineligible to participate in the program for a period of 10 years. See N.J.A.C. 10:87-11.2(e).



On August 14, 2026, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondent had deliberately and intentionally withheld information from the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits, as well as an overissuance of WFNJ/GA benefits, to which he not entitled. See Initial Decision at 2-4; see also N.J.A.C. 10:87-11.3(a), -11.5(a)(6), N.J.A.C. 10:90-11.1(a), 7 C.F.R. 273.16(c)(1), and 7 C.F.R. 273.16(e)(4). I agree. Such misrepresentations resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,484 for the period of September, 2025 through December, 2025, as well as an overpayment of WFNJ/GA benefits of \$925 for the period of September, 2025 through January, 2026. See Initial Decision at 2-4; see also Exhibit P-1; and N.J.A.C. 10:90-1.13(b).

With respect to the appropriate disqualification penalty, the Agency maintains that regulatory authority mandates a 10-year period of disqualification from receipt of SNAP benefits. See Agency Exceptions; see also N.J.A.C. 10:87-11.2(e). The ALJ, however, opined that such penalty was "too harsh," and that, as this was the first IPV committed by Respondent, the ALJ ordered the penalty of a 12-month disqualification from receipt of SNAP benefits, rather than the 10-year disqualification sought by the Agency. See Initial Decision at 3-4; see also N.J.A.C. 10:87-11.2(a)(1).

Based upon an independent review of the record presented in this case, while I agree with the ALJ, that Respondent committed IPV's of both the SNAP and WFNJ programs, I respectfully disagree with the ALJ's conclusion that the lesser penalty is applicable in this matter. In applying for SNAP benefits in one state, while still receiving benefits in another state, and not advising the Agency of his change of residence, I find that Respondent made a fraudulent representation with respect to his residence, which allowed him receive benefits in New Jersey ("NJ") and New York ("NY") concurrently, thereby warranting the regulatory 10-year period of disqualification from receipt of SNAP benefits. See N.J.A.C. 10:87-11.2(e). Based on the foregoing, I find that Respondent is ineligible to participate in the SNAP program for a period of 10 years. See N.J.A.C. 10:87-11.2(e), see also 7 C.F.R. 273.16(b)(5). The Initial Decision is modified to reflect these findings.

Further, as I agree with the ALJ that Respondent committed an IPV of the WFNJ program, I am modifying the Initial Decision to impose the mandatory regulatory penalty of a 6-month disqualification from receipt of WFNJ/GA benefits as this is the first IPV committed by Respondent. See N.J.A.C. 10:90-11.11(a)(1).

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 10 years and disqualified from receipt of WFNJ/GA benefits for a period of 6 months. I further ORDER that the Agency is to recoup the overissuances of SNAP and WFNJ/GA benefits. See N.J.A.C. 10:87-11.20; see N.J.A.C. 10:90-3.21(a), see also 7 C.F.R. 273.18.

Officially approved final version. September 02, 2026

Natasha Johnson
Assistant Commissioner

