



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Director
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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 13961-15 G.G.

AGENCY DKT. NO. S4486410 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, and Work First New Jersey/General Assistance ("WFNJ/GA"). The Agency asserts that Respondent failed to report earned income while he was receiving SNAP and WFNJ/GA benefits, thus causing Respondent to receive an overissuance 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 penalty via certified mail. See Initial Decision at 2. 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 September 24, 2015, the Honorable Joan Bedrin Murray, Administrative Law Judge ("ALJ"), held a hearing, took testimony, and admitted documents. Respondent did not appear for the hearing, and the matter proceeded ex parte, which is permissible pursuant to our regulatory scheme. See N.J.A.C. 1:10-14.1(d). The record was left open for 10 days following the conclusion of the testimony to allow Respondent to show good cause for his failure to appear. The Respondent did not respond and then the record closed on October 5, 2015. However, a review of the evidence revealed a portion of Respondent's Redetermination/Recertification Application was omitted at the hearing and, as a result, the record was reopened to allow for the pertinent documentation to be received into evidence. On October 19, 2015, the record was again closed.

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On October 21, 2015, 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 and WFNJ/GA benefits to which he was not entitled. See Initial Decision at 4. Specifically, Respondent intentionally did not accurately report earned income during the month of November 2012, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$67.00, and WFNJ/GA benefits in the amount of \$210.00. Id. at 2; see also N.J.A.C. 10:87-5.2(a)(1), N.J.A.C. 10:87-9.5, and N.J.A.C. 10:90-3.21(a).

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), and a six month disqualification from receipt of WFNJ benefits pursuant to N.J.A.C. 10:90-11.11(a)(1). See Initial Decision at 4.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the Initial Decision in this matter, and following and 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.

I direct that the Agency proceed to recoup the overissuances.

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, and from receipt of WFNJ benefits for a period of six months. I further ORDER that the Agency is to recoup the overissuances.

Signed Copy on File

at DFD, BARA

NOV 10 2015

Natasha Johnson
Director