



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Governor

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Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
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 15664-15 J.V.

AGENCY DKT. NO. S518990 (MIDDLESEX COUNTY BD OF SOC SCVS)

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, Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA") programs. The Agency asserts that Respondent failed to report a change in household composition while she was receiving SNAP, WFNJ/TANF, and EA benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty via certified mail. See Exhibit P-16. 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 October 16, 2015, the Honorable Barry E. Moscovitz, 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 her failure to appear. The Respondent did not respond and the record then closed on October 26, 2015.

On October 29, 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, WFNJ/TANF, and EA benefits to which she was not entitled. See Initial Decision at 6.

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Specifically, Respondent intentionally did not accurately report a change in household composition and continued to collect child support payments when her son no longer resided in the home during the period of April 2010 through June 2010, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$559.00, WFNJ/TANF benefits in the amount of \$262.00, and EA benefits in the amount of \$1,821.00. *Id.* at 2; see also Exhibit P-9, P-10, and P-11; 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). See Initial Decision at 6. In addition, Petitioner is subject to a six month mandatory regulatory disqualification from the WFNJ program, which also includes EA benefits. *Ibid.*; see also N.J.A.C. 10:90-11.11(a)(1).

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, including EA, 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