



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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 3717-15 V.F.

AGENCY DKT. NO. C027696 (CUMBERLAND COUNTY BD OF SOC SVCS)

Petitioner Agency ("Agency") charges Respondent with committing an Intentional Program Violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program. The Agency asserts that Respondent failed to report unearned income, specifically child support, thus causing Respondent to receive 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, return receipt requested. See Exhibit P-1. 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 March 25, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held an administrative disqualification hearing, took testimony, and admitted documents into evidence. 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).

On April 7, 2015, the ALJ issued his Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondent had intentionally withheld information from the Agency. See Initial Decision at 4. The ALJ found Petitioner's testimony, in connection with the supporting documents, credible that Respondent was receiving child support when she applied/reapplied for SNAP benefits. Id at 2. Indeed, Respondent failed to report

her child support payments between November 23, 2007 through April, 2008. Id. at 3.

Page 2

As such, the ALJ concluded that the clear and convincing evidence supported that Respondent had failed to report this income resulting in a SNAP overissuance totaling \$1,190. See P-1 at 18.

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 an independent evaluation of the record, I concur with the ALJ's findings that the Agency met its burden that Respondent's failure to report income was intentional. However, I hereby MODIFY the ALJ's decision to impose a six-month sanction.

As noted above, the record in this matter reveals that Respondent intentionally failed to report the child support she received between November 23, 2007 through April, 2008. See Initial Decision at 3. The Agency's investigation discovered Respondent was in fact receiving child support rendering her ineligible for SNAP benefits during this period, resulting in an overissuance of \$1,190. Ibid. The record is void of Respondent contesting to the omission or the overissuance. As such, I direct that the Agency proceed to recoup the overissuance.

Based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, but MODIFY the sanction pursuant to N.J.A.C. 10:87-11.2 and ORDER that Respondent is ineligible to participate in SNAP for a period of twelve months.

Accordingly, the Initial Decision is ADOPTED with regard to the Initial Decision finding that Respondent intentionally failed to report her income, but the initial decision is MODIFIED with regard to the sanction.

Signed Copy on File
at DFD, BARA

MAY 21 2015

Natasha Johnson
Director