



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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TRENTON, NJ 08625-0716

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 **07061-24 J.R.**

AGENCY DKT. NO. **C070813003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner Agency charges Respondent with committing intentional program violations ("IPVs") of the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") Program, the Supplemental Nutrition Assistance Program ("SNAP"), and the Emergency Assistance ("EA") benefits programs. The Agency asserts that Respondent intentionally failed to report the receipt of household earned income, while receiving WFNJ/TANF, SNAP, and EA benefits, thus causing Respondent to receive overissuances of benefits to which she was not entitled. Because Petitioner requested a fair hearing, the matter was transmitted to the Office of Administrative Law ("OAL"). Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalties, via certified mail restricted delivery, dated April 8, 2024. See Exhibits P-18, P-19, P-21. 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 ("OAL") for a hearing as a contested case. See Exhibit P-20. On June 3, 2024, the Honorable Michael R. Stanzione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On June 24, 2024, 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 overissuances of WFNJ/TANF, SNAP, and EA benefits, to which she was not entitled. See Initial Decision at 6, 7. Specifically, the ALJ found that Respondent deliberately and intentionally did not report that she had earned income from multiple employers, which resulted in an overissuance of \$2,499.19 of WFNJ/TANF benefits from June, 2015 through October, 2015, an overissuance of \$3,351.71 of SNAP benefits from June, 2015 through January, 2016, and an overissuance of EA benefits for June, 2015. See Initial Decision at 2,5; see also Exhibits P-1, P-2, P-3, P-9, P-11, P-12, P-13, P-14, and P-15, see also N.J.A.C. 10:87-5.2, -5.4, -6.3, -9.5 and N.J.A.C. 10:90-3.2, -3.8, -3.9, -3.22.

Respondent's employment and earned income was not discovered until she submitted her Interim Reporting Form ("IRF") on October 15, 2015. See Initial Decision at 3; see also Exhibit P-10. After submitting her IRF, and upon re-evaluation, Respondent's earned income resulted in her WFNJ/TANF case being closed, and a reduction of her SNAP benefits. See Initial Decision at 3; see also Exhibits P-12, P-13. Although Respondent testified that she understood she received benefits to which she was not entitled, the ALJ did not find credible Respondent's testimony that her failure to report her earnings was unintentional. See Initial Decision at 5.

As these were the first IPVs 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), the mandatory regulatory penalty of a 6-month disqualification from receipt of WFNJ/TANF benefits, and the mandatory regulatory penalty of a 6-



month disqualification from receipt of EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-11.9(b)(3), N.J.A.C. 10:90-6.1(c)(3). I agree.

No Exceptions to the Initial Decision were filed.

By way of comment, the ALJ makes no finding regarding the collection of the overissuances of benefits in this matter. An independent review of the record reveals that the date of discovery of the overissuances was March 8, 2022, and that the date the claims were established was May 15, 2023. Given that the claim dates are beyond six-years old (having occurred from June, 2015 through January, 2016), from the date of the Agency's discovery (March 8, 2022), I direct that the Agency may not proceed to recoup the outstanding balance of the overissuances of SNAP, WFNJ/TANF, and EA benefits. See N.J.A.C. 10:87-11.20(f)(1)(i).

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, disqualified from receipt of WFNJ/TANF benefits for a period of 6 months, and disqualified from receipt of EA benefits for a period of 6 months.

Officially approved final version. July 11, 2024

Natasha Johnson
Assistant Commissioner

