



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 11029-18 A.H.

AGENCY DKT. NO. C140805015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner Agency charges Respondents with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondents failed to accurately report additional household earned income while they were receiving SNAP benefits, thus causing Respondents to receive an overissuance of benefits to which they were not entitled. On June 13, 2018, Respondents were properly noticed, via personal service, of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalty. See Exhibit P-1 at 1, 2-3, 6, 7-8. Because Respondents failed to execute and return the waivers of their 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-1 at 4-5, 9-10. A hearing was initially scheduled for August 13, 2018, but was adjourned at the request of Respondents' counsel, and over the Agency's objection, to a peremptory date of August 28, 2018. On August 28, 2018, the hearing was rescheduled once again to October 10, 2018. On October 10, 2018, the Honorable Edward J. Delanoy, Jr., Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. The record remained open for the parties to submit written closing statements. On October 24, 2018, Respondents submitted a letter from their accountant, thereby supplementing the record. On November 13, 2018, the parties submitted written closing statements, and the record closed on that day.

On December 3, 2018, the ALJ issued a very thorough and comprehensive Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondents had deliberately and intentionally withheld information from the Agency, which resulted in Respondents receiving an overissuance of SNAP benefits to which they were not entitled. See Initial Decision at 11. Specifically, Respondents intentionally did not accurately report earned household income during the period of January 2014, through December 2016, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$12,700.68. See Initial Decision at 4; see also Exhibit P-2, and N.J.A.C. 10:87-5.2(a)(1), -9.5.



As this was the first IPV committed by Respondents, 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 12.

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 overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondents are ineligible to participate in SNAP for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

DEC 28 2018

Natasha Johnson
Director

