



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

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Lt. Governor

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 12587-18 A.M.

AGENCY DKT. NO. S575776012 (MIDDLESEX COUNTY BD OF SOC SCVS)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP") and the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") program. Petitioner Agency also seeks the imposition of a 12-month disqualification penalty from SNAP benefits, and a 6-month disqualification penalty from WFNJ/TANF benefits against respondent, and confirmation of the amount of overissued benefits Respondent had received. On May 25, 2018, under Office of Administrative Law ("OAL") Docket Number HPW 05069-2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), issued an Initial Decision finding that Respondent failed to report a change in household composition while she was receiving SNAP and WFNJ/TANF benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. ALJ Fritch concluded that Respondent knowingly and intentionally withheld or concealed material facts on her application for public assistance benefits, rendering her ineligible to receive SNAP or WFNJ/TANF benefits, and resulting in overissuances of said benefits. However, while ALJ Fritch addressed the overissuance in the Initial Decision, a mandatory period of disqualification was not addressed, as Respondent was not charged with committing an IPV at that time. On June 4, 2018, this office issued a Final Agency Decision ("FAD"), modifying the Initial Decision of ALJ Fritch to find only overissuances, not IPV's, as the required higher burden of proof and necessary procedural safeguards were lacking. See June 4, 2018, FAD at 2. ALJ Fritch's May 25, 2018, Initial Decision and the June 4, 2018, FAD are incorporated by reference herein.

Thereafter, on June 12, 2018, 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 OAL for a hearing as a contested case. See Exhibits P-2, P-3. On September 18, 2018, the Honorable Carl V. Buck, III, ALJ, held a hearing, took testimony, and admitted documents.

On October 5, 2018, 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/TANF benefits to which she was not entitled. See Initial Decision at 11. Specifically, Respondent intentionally did not accurately report that M.C., the father of Respondent's child, was living with her, and had earned income, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,165, and an overissuance of \$674 in WFNJ/TANF benefits, from December 2013, through March 2014. Id. at 4; see also Exhibits P-6, P-7, P-24; and N.J.A.C. 10:87-5.2(a)(1), -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 penalties of a 12-month disqualification from receipt of SNAP benefits, pursuant to N.J.A.C. 10:87-11.2(a)(1), and a 6-month disqualification from the WFNJ program, pursuant to N.J.A.C. 10:90-11.11(a)(1). See Initial Decision at 11-12.

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 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.

Officially approved final version. **OCT 16 2018**

Natasha Johnson
Director

