



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

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TRENTON, NJ 08625-0716

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 11931-18 C.J.

AGENCY DKT. NO. C066867006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent failed to accurately report earned income, thus causing Respondent to receive an overissuance of benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalty, via personal service, on August 2, 2018. See Exhibit P-1 at 2. On September 12, 2018, the parties appeared at the Office of Administrative Law ("OAL") for a hearing. Respondent testified on the record and confirmed that he wanted to resolve the matter. Respondent also agreed to the imposition of a twelve-month disqualification period for participation in SNAP. Accordingly, Respondent executed a Waiver of Right to Administrative Hearing ("Waiver") in the presence of the court. See Exhibit J-1. The Division of Family Development advised the OAL that the matter could not be settled on that date unless Respondent signed the Waiver and also agreed to attest, on the record, that he had not previously received the Waiver. The matter was then rescheduled for a telephonic hearing. The parties were issued notices, including instructions to dial in and participate in the telephonic hearing. On October 4, 2018, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a telephonic hearing, took testimony and admitted documents. Respondent did not dial in to 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) and N.J.A.C. 10:87-11.5(a)(4)(i). The record remained open for ten days for Respondent to present good cause for his failure to appear. See N.J.A.C. 10:87-11.5(a)(3)(ii)(5). Respondent did not respond and the record then closed on October 15, 2018.

On November 2, 2018, the ALJ issued an Initial Decision, initially finding that on September 12, 2018, Respondent testified credibly when he accepted responsibility for what he had done, and had accepted the imposition of the 12-month disqualification penalty from future receipt of SNAP benefits. See Initial Decision at 5. The ALJ also 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 benefits to which he was not entitled. *Id.* at 6, 7. Specifically, Respondent intentionally did not report earned income from



employment which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,130 for the period of January 2013, through December 2013. Id. at 3; see also Exhibits P-1 at 27, 77-78, and N.J.A.C. 10:87-5.2(a)(1), -9.5.

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 7-8.

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 Respondent is disqualified from receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

NOV 21 2018

Natasha Johnson
Director

