



State of New Jersey

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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 01119-18 E.H.

AGENCY DKT. NO. S453522014 (MORRIS CO. DIV. EMP. & TEMP ASST)

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 report earned income while she was receiving SNAP benefits, thus causing Respondent to receive an overissuance of 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 on December 29, 2017. See Initial Decision at 2; see also Exhibit P-18. 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 January 30, 2018, the parties appeared before the Honorable Tricia M. Calligre, Administrative Law Judge ("ALJ"). Respondent appeared with her son, who was to serve as an interpreter for Respondent. However, even with the assistance of her son, Respondent was unable to follow the proceedings. Without objection, the hearing was adjourned and the Agency was directed to arrange for an interpreter to attend the rescheduled hearing. On the rescheduled hearing date of February 8, 2018, the Agency appeared before the ALJ, but Respondent did not appear for the hearing. The matter proceeded ex parte, which is permissible pursuant to our regulatory scheme. See N.J.A.C. 1:10-14.1(d). The ALJ held the hearing, took testimony and admitted documents. The record remained open for ten days for Respondent to present good cause for her failure to appear. Respondent did not respond and the record then closed on March 23, 2018.

On March 27, 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 when she completed and signed an application for SNAP benefits, and subsequently, on multiple Interim Reporting Forms ("IRF") filed between October 2013 and March 2015, and failed to include her spouse's earned income, which resulted in Respondent receiving an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 5; see also Exhibits P-1, P-2, P-5, and P-7. Specifically, Respondent intentionally did not accurately report earned income during the periods of December 2013 through May 2015, and June 2015 through August 2015, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$8,057.00. See Initial Decision at 5; see also Exhibit P-16, 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 6.

No Exceptions to the Initial Decision were filed.



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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 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.

Natasha Johnson
Director

APR 09 2018

