



State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*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 05332-18 G.B.

AGENCY DKT. NO. S592004012 (MIDDLESEX COUNTY BD OF SOC SCVS)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP") program. The Agency asserts that Respondent failed to report income from unemployment insurance benefits ("UIB") while he was receiving SNAP benefits, 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 certified mail. See Exhibits P-1, P-2. Because Respondent failed to execute and return the waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. On May 1, 2018, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a hearing, took testimony, and admitted documents. Respondent did not appear for 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). The record remained open for ten days for Respondent to present good cause for his failure to appear. Respondent did not respond and the record then closed on May 11, 2018.

On May 16, 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 benefits to which he was not entitled. See Initial Decision at 4-5. Specifically, the ALJ found that Respondent intentionally did not report unearned income from UIB benefits during the month of February 2015, which resulted in an overissuance of SNAP benefits in the amount of \$193.00. See Initial Decision at 3-4; see also Exhibits P-3, P-4, P-7, and P-8 at 14, 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 5.

Additionally, another type of overpayment of SNAP benefits, which is also subject to recoupment by the Agency, is one which results from a misunderstanding or unintended error on the part of the household



receiving benefits, called an "Inadvertent Household Error" ("IHE"). See N.J.A.C. 10:87-11.20(e) (2). Whether the incorrect issuance is defined as an IPV or IHE does not alter the debt due and owing to the Agency from the recipient of the incorrectly issued benefits. See N.J.A.C. 10:87-11.20(e). Here, in addition to the IPV found to have been committed by Respondent, the ALJ also found that the monthly SNAP benefits received by Respondent between October 2014, and January 2015, totaling \$776.00, were incorrectly issued as a result of an IHE. See Initial Decision at 3; see also Exhibit P-8 at 14. Accordingly, I direct that the Agency proceed to recoup the overissuances for both the IPV and the IHE.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the Initial Decision in this matter, and following an 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.

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 overissuances for both the IPV and the IHE in this matter.

Officially approved final version.

MAY 22 2018

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Natasha Johnson  
Director

