



State of New Jersey

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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 10459-18 J.B.

AGENCY DKT. NO. S607476012 (MIDDLESEX COUNTY BD OF SOC SCVS)

Petitioner Agency seeks the imposition of a one-year disqualification penalty from Supplemental Nutrition Assistance Program ("SNAP") benefits against Respondent, and confirmation of the amount of overissued benefits Respondent had received. The procedural history of this matter is as follows. On January 12, 2018, under Office of Administrative Law ("OAL") Docket Number HPW 16996-17, the Honorable Carl V. Buck, III, Administrative Law Judge (hereinafter "ALJ Buck"), issued an Initial Decision finding that Respondent had committed an intentional program violation ("IPV"), when she failed to report that the father of her children lived in the home, causing her to receive SNAP benefits to which she was not entitled. ALJ Buck concluded that the Agency had not presented the methodology pertaining to the calculation of the overissuance. However, ALJ Buck directed that amount owed was "subject to subsequent analysis and calculation as to the appropriate amount due." See January 12, 2018, Initial Decision at 8. Finally, while ALJ Buck addressed the overissuance in the Initial Decision, the matter of the mandatory period of disqualification was not discussed. On January 26, 2018, this office issued a Final Agency Decision ("FAD"), adopting the Initial Decision of ALJ Buck. ALJ Buck's January 12, 2018, Initial Decision, and the January 26, 2018, FAD are incorporated by reference herein.

Thereafter, on May 19, 2018, Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail. 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. On August 7, 2018, the Honorable Joseph A. Ascione, 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 was left open for 10 days following the conclusion of the testimony to allow Respondent to show good cause for her failure to appear. Respondent did not respond and the record then closed on August 17, 2018.

On September 7, 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 she was not entitled. See Initial Decision at 4. Specifically, the ALJ found that Respondent intentionally did not accurately report a change in household composition by failing to report that L.G., the father of her children, was a member of the SNAP household, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$2,827 for the period of March 2017, through August 2017. Id. at 3, 5; see also Exhibits P-4, P-16, and N.J.A.C. 10:87-2.2(a)(3), -2.12(a), -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. See Initial Decision at 5, and N.J.A.C. 10:87-11.2(a)(1).

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision in the present matter, and following an independent evaluation of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter. Accordingly, the amount of overissuance to be paid back to the Agency by Respondent is hereby confirmed.

I direct that the Agency proceed to recoup the overissuance.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, and I 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.

SEP 12 2018

Officially approved final version.

Natasha Johnson

Director

