



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 01397-18 L.G.

AGENCY DKT. NO. S515306012 (MIDDLESEX COUNTY BD OF SOC SCVS)

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 unearned income, specifically, unemployment insurance benefits ("UIB"), while she was receiving SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was timely served with notice of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty via personal service on December 1, 2017. See Exhibit P-5. 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 February 13, 2018, the Honorable Carl V. Buck, III, 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 10 days for Respondent to show good cause for her failure to appear, and then closed on February 28, 2018.

On March 9, 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 failed to report her unearned income, which resulted in Respondent receiving an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 5. Specifically, Respondent intentionally did not report unearned income in the form of UIB during the period of August 2011, through February 2012, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,100.00. Id. at 3; see also Exhibit P-4; see also N.J.A.C. 10:87-5.2(a)(1) and N.J.A.C. 10:87-9.5.

As this was the second IPV committed by Respondent, the ALJ ordered the mandatory regulatory penalty of a 24-month disqualification from receipt of SNAP benefits pursuant to N.J.A.C. 10:87-11.2(a)(2). See Initial Decision at 6.

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 ineligible to participate in the SNAP for a period of 24 months. I further ORDER that the Agency is to recoup the



overissuance.

Officially approved final version.

MAR 19 2018

Natasha Johnson
Director

