



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 17539-17 M.C.

AGENCY DKT. NO. C029922014 (MORRIS CO. DIV. EMP. & TEMP ASST)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP") and the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") program. The Agency asserts that Respondent failed to report her spouse's earned income while she was receiving SNAP and WFNJ/TANF 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 personal service on October 11, 2017. See Exhibit P-1 at 1-2. On an earlier date, specifically, August 19, 2014, Respondent received notice of the allegation of an overissuance in the SNAP and WFNJ/TANF programs. *Id.* at 7-16. 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 ("OAL") for a hearing as a contested case. The matter was scheduled for a hearing on December 12, 2017, before the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"). After the Agency put forth its case, the parties agreed to adjourn the case to allow Respondent's spouse the opportunity to produce medical documentation. See Initial Decision at 2. The case was rescheduled for January 23, 2018, but was adjourned at Respondent's request because her spouse was out of state and she could not drive to the hearing. *Ibid.* The matter was then rescheduled for March 22, 2018, but was adjourned once again when Petitioner failed to send the appropriate representative to the hearing. *Ibid.* The next rescheduled date of April 19, 2018, was cancelled by the OAL. *Ibid.* Finally, on May 31, 2018, Respondent did not appear, and later informed the court, via telephone, that a family member was in the hospital the prior night. *Ibid.* On that same date, the record then closed.

On June 12, 2018, the ALJ issued an Initial Decision, based on the documentary evidence submitted by the Agency, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondent had deliberately and intentionally failed to report her spouse's earned income, which resulted in Respondent receiving an overissuance of SNAP and WFNJ/TANF benefits to which she was not entitled. See Initial Decision at 4. Specifically, Respondent intentionally did not accurately report her spouse's earned income during the period of February 2013, through July 2013, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$894.00, and



WFNJ/TANF benefits in the amount of \$1,698.00. Id. at 3; see also Exhibit P-1 at 10, 13, and N.J.A.C. 10:87-5.2(a)(1), -9.5, and N.J.A.C. 10:90-3.21(a), -11.1(a).

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. In addition, the ALJ ordered that Respondent is subject to a six-month mandatory regulatory disqualification from the WFNJ program, which also includes Emergency Assistance ("EA") benefits. Ibid.; see also N.J.A.C. 10:90-11.11(a)(1).

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 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.

Additionally, it appears from the record that, as of December 2017, the balance left for the SNAP recoupment totaled \$35.00, with Respondent having already repaid \$859.00. See Initial Decision at 3; see also Exhibit P-1 at 41-42. Additionally, the remaining balance for WFNJ/TANF recoupment is \$1,634.00, with Respondent having already repaid \$64.00. Ibid. Therefore, I direct that the Agency proceed to recoup the remaining overissuance SNAP and WFNJ/TANF balances.

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, and from receipt of WFNJ benefits, including EA, for a period of six months. I further ORDER that the Agency is to recoup the balance remaining on the overissuances.

Officially approved final version.

Natasha Johnson
Director

JUN 21 2018

