



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 08282-18 M.L.

AGENCY DKT. NO. C108110015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner Agency charges Respondents with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondents failed to accurately report household composition and earned income, thus causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents were properly noticed of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalty, via personal service on May 4, 2018. See Exhibit P-1 at 1, 6. Because Respondents failed to execute and return the waiver of their rights to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. On June 26, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. Respondents appeared for the hearing, and the record then closed on that same date.

On July 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 Respondents had deliberately and intentionally withheld information from the Agency, which resulted in Respondents receiving an overissuance of SNAP benefits to which they were not entitled. See Initial Decision at 8. Specifically, Respondents failed to report that Respondent M.L. resided in the household and that she had sources of income, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$17,129 for the period of April 2013, through December 2013, and October 2013, through September 2016. *Id.* at 4; see also Exhibits P-2, P-3, P-4, and N.J.A.C. 10:87-5.2(a)(1), -9.5.

As this was the first IPV committed by Respondents, 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 9.

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.

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 Respondents are disqualified from receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance.

AUG - 7 2018

Officially approved final version.

Natasha Johnson
Director

