



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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

REMAND DECISION

OAL DKT. NO. HPW 18516-17 R.B.

AGENCY DKT. NO. C095678006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

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 income from employment while she was receiving SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. On January 17, 2018, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. Respondent did not appear at the scheduled hearing. The record was left open to allow Respondent ten days to explain her failure to appear at the hearing or to otherwise submit additional documentation. Respondent failed to submit any information, and the record closed on January 29, 2018. On February 13, 2018, the ALJ issued an Initial Decision finding that Respondent had committed an IPV. In that Initial Decision, the ALJ asserted that Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty via certified mail. See Initial Decision at 2.

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 hereby REJECT the Initial Decision in this matter and REMAND the case to the Agency, for proper service and rehearing.

After an independent review of the record, I find that it cannot be determined that Respondent was properly noticed via certified mail of the charges against her, and the proposed disqualification penalty, as the signature on the certified mail return receipt is clearly not that of Respondent, and it is unclear from the record whether or not the Agency contacted Respondent to determine actual receipt of the notice by her. See Exhibit R-1 at 7. Although the certified mail return receipt may be signed by a household member, including a spouse, the Agency must provide proof that the correct individual actually received the notice on a timely basis. See N.J.A.C. 10:87-11.5(a)(3)(i)(4). A telephone confirmation by that individual would be adequate proof. Ibid. However, the record is devoid of evidence to prove that the required measures were taken to ensure service was properly administered in this matter.

Accordingly, based upon the foregoing, I hereby REJECT the Initial Decision in this matter, and REMAND the matter back



to the Agency to ensure proper service is provided to Respondent. The case may then be reheard by an ALJ.

Officially approved final version.

FEB 26 2018

Natasha Johnson

Director

