



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 03187-18 W.M.

AGENCY DKT. NO. S547027012 (MIDDLESEX COUNTY BD OF SOC SCVS)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Work First New Jersey/General Assistance ("WFNJ/GA") program and the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent failed to report a change in unearned income while he was receiving WFNJ/GA and SNAP benefits, thus causing Respondent to receive an overissuance of said benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalty via certified mail. See Initial Decision at 2; see also Exhibits P-1, P-2, P-3, and P-4. Because Respondent failed to execute and return the waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case.

On March 20, 2018, the Honorable Tricia M. Caliguire, 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 was left open for ten days for Respondent to present good cause for his failure to appear. Respondent did not submit any information, and on April 2, 2018, the hearing concluded and the record then closed.

On April 3, 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 he failed to report a change in unearned income, which resulted in Respondent receiving an overissuance of WFNJ/GA and SNAP benefits to which he was not entitled. See Initial Decision at 4-5; see also Exhibits P-15, P-16. Specifically, the ALJ concluded that Respondent intentionally did not accurately report that he was receiving Worker's Compensation benefits between May 2010, and January 2011, which resulted in an overissuance of WFNJ/GA benefits in the amount of \$840, and an overissuance of SNAP benefits in the amount of \$1,000. See Initial Decision at 3-5; see also Exhibits P-6, P-7, P-8, P-9, P-12, P-14, P-18, and N.J.A.C. 10:90-3.11(e), -3.21(a), N.J.A.C. 10:87-5.2(a)(1), -11.20(d). Of note, the Agency testified that Respondent has repaid a portion of the SNAP benefits overissuance through a deduction from ongoing SNAP benefits. See Initial Decision at 5 n.1.



As this was the first IPV committed by Respondent, the ALJ ordered that Respondent is subject to a six-month mandatory regulatory disqualification from the WFNJ program. See Initial Decision at 6; see also N.J.A.C. 10:90-11.11(a)(1). Further, the ALJ imposed 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 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 an independent evaluation of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law.

I direct that the Agency proceed to recoup the overissuances.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondent is disqualified from receipt of WFNJ benefits for a period of six months, and from receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the overissuances.

Officially approved final version.

APR 13 2018

Natasha Johnson

Director

