



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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*Lt. Governor*

TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Assistant Commissioner*

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 06301-21 E.N.

AGENCY DKT. NO. C030788005 (CAPE MAY COUNTY WELFARE BOARD)

Petitioner Agency ("Agency") seeks a finding that Respondent committed an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent failed to accurately report household income, and household composition, thus causing Respondent to receive an overissuance of 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, return receipt requested, on June 12, 2021. See Exhibit P-1 at 67, 68-69, 70. Because Respondent failed to timely execute and return the Waiver of Right to a Hearing (hereinafter, "Waiver"), the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. *Id.* at 64-65. Notably, the Agency advised the ALJ that Respondent did sign his Waiver, after informing the Agency that he would not contest the violation. See Initial Decision at 2. However, the matter proceeded to an Administrative Disqualification Hearing because Respondent had not timely returned the Waiver. *Ibid.* On August 26, 2021, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Respondent did not call in for the hearing, and after waiting ten (10) minutes, the matter proceeded ex parte, which is permissible pursuant to our regulatory scheme. See N.J.A.C. 1:10-14.1(d). The telephone line was held open so that Respondent could join the hearing in process at any time. Respondent failed to do so. Following the conclusion of testimony, Respondent was given ten days to present good cause for his failure to appear. Respondent did not contact the OAL by the end of the ten-day period, and the record then closed on September 7, 2021.

On that same date, 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, which resulted in Respondent receiving an overissuance of SNAP benefits to which he was not entitled. See Initial Decision at 7. Specifically, the ALJ found that Respondent had failed to report that his fiancé, D.L., had been living with him since 2014. *Id.* at 3, 5; see also Exhibit P-1 at 2, 18-20, 21-23, 27-29, 30-35, and N.J.A.C. 10:87-2.2(a), -9.5. The ALJ also found that Respondent intentionally did not report his income from a business that he and D.L. owned, monthly income from a Veteran's Administration pension, and additional household unearned income,



specifically, D.L.'s Retirement, Survivors and Disability Insurance ("RSDI") benefits. See Initial Decision at 3, 4, 5; see also Exhibit P-1 at 96, 102-174, and N.J.A.C. 10:87-5.2(a)(1), -5.4(a), -5.5(a). The ALJ concluded that Respondent's intentional withholding of this information resulted in an overissuance of SNAP benefits to Respondent in the amount of \$8,747 for the period of February, 2015, through January, 2020, which must be repaid. See Initial Decision at 7; see also Exhibit P-1 at 72-73, 74-88, and N.J.A.C. 10:87-11.20(a), (b).

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 7.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, 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.

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. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

SEP 21 2021

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Natasha Johnson  
Assistant Commissioner

