



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **06445-21 T.V.**

AGENCY DKT. NO. **C017579005 (CAPE MAY COUNTY WELFARE BOARD)**

Petitioner Agency ("Agency") charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent failed to accurately report household composition, 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 July 30, 2021. See Exhibit P-1 at 16, 17-18, 19. Because Respondent failed to timely 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. *Id.* at 13-14. On August 26, 2021, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Respondent did not call in 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 telephone line was open for approximately thirty (30) minutes, 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 her failure to appear. Respondent did not contact the OAL, and the record then closed on September 7, 2021.

On September 10, 2021, 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 she was not entitled. See Initial Decision at 6. Specifically, the ALJ found that Respondent had failed to report that she had been disqualified from receiving SNAP benefits since May 1, 2019, and that there was no eligible household member residing with her, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,125 for the period of August, 2019, through January, 2020. *Id.* at 3, 4; see also Exhibit P-1 at 21, 22-23, 25, 26-30, 33-35, and N.J.A.C. 10:87-2.2(a), -9.5.



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 6.

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.

OCT - 5 2021

Natasha Johnson
Assistant Commissioner

