



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 09599-21 A.S.

AGENCY DKT. NO. C047245005 (CAPE MAY COUNTY WELFARE BOARD)

Petitioner 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 report a change in household composition while she was receiving SNAP benefits, thus causing Respondent to qualify for a higher monthly SNAP benefits allotment than that to which she was entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalties, via certified mail, return receipt requested, on September 24, 2021. See Exhibit P-1 at 27, 28-29, 30-32. Because Respondent failed to 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 22-23. On December 9, 2021, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a telephonic plenary 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). Respondent was given 10 days from the date of the hearing to show good cause for her failure to appear. Respondent did not respond by the end of the 10-day period, and the record then closed on December 20, 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 being deemed eligible for a higher SNAP benefits allotment than that which she was actually entitled to. See Initial Decision at 5. Specifically, the ALJ found that Respondent did not have physical custody of her minor children when she completed her recertification application for SNAP benefits, and that Respondent intentionally did not accurately report this when applying for SNAP benefits, which resulted in a miscalculation of the correct SNAP benefits allotment to Respondent. *Id.* at 3, 4, 5-6; see also Exhibit P-1 at 2, 3, 4, 6-9, and N.J.A.C. 10:87-2.2(a)(3), -9.5.

It should be noted that, in this matter, Petitioner Agency is not seeking to recoup any overissuance of SNAP benefits issued to Respondent, as, due to the COVID-19 pandemic, all households eligible to receive SNAP benefits received the maximum benefit allotment for their household size. See Initial



Decision at 6; see also Division of Family Development Instruction (“DFDI”) 21-07-01. As Petitioner was, in fact, eligible for SNAP benefits, albeit at a lesser monthly allotment amount, no overissuance occurred in this case due to all SNAP benefits households receiving the maximum allotment amount for their household size during the pandemic. Ibid.

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. See Initial Decision at 6, and N.J.A.C. 10:87-11.2(a)(1).

No Exceptions to the Initial Decision were filed by either party.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ’s Initial Decision in the present matter, and following an independent evaluation of the record, I concur with the ALJ’s decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, and as the Agency is only seeking to impose the one-year disqualification penalty from receipt of SNAP benefits against Respondent, I further ORDER that Respondent is hereby disqualified from receipt of SNAP benefits for a period of 12 months.

Officially approved final version.

DEC 30 2021

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Natasha Johnson  
Assistant Commissioner

