



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716  
TRENTON, NJ 08625-0716

SARAH ADELMAN  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

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 08554-21 C.G.

AGENCY DKT. NO. C027541005 (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"), and the Work First New Jersey/General Assistance ("WFNJ/GA") program. The Agency asserts that Respondent failed to report a change in household composition and household income, while she was receiving SNAP and WFNJ/GA benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was properly noticed of the initial Administrative Disqualification Hearing ("ADH"), the charges against her, and the proposed disqualification penalties, via certified mail, return receipt requested, on July 19, 2021. See Exhibit P-8. However, no court date was scheduled for the initial hearing. Thereafter, the Agency resent to Respondent, via certified mail, return receipt requested, a second ADH, with a hearing date of October 28, 2021. See Exhibit P-9. 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. See Exhibit P-8 at 22-23. On October 18, 2021, the Agency sent Respondent a Notice to Repay Overissued Benefits, seeking to recoup \$1,042 in overissued WFNJ/GA benefits. See Exhibit P-13 at 78-81. On October 28, 2021, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed.

On November 16, 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 and WFNJ/GA benefits to which she was not entitled. See Initial Decision at 5, 6. Specifically, the ALJ found that C.W. had lived at the same address as Respondent's, and that C.W. had unearned household income, and that Respondent intentionally did not accurately report either of these facts, which resulted in an overissuance of SNAP and WFNJ/GA benefits to Respondent, for the period beginning November, 2020, through April, 2021. *Id.* at 4, 5; see also Exhibits P-2, P-3, P-4, and N.J.A.C. 10:87-2.2(a)(3), -5.2(a)(1), -9.5, and 10:90-2.7(a), -3.8(a), -3.21. Moreover, Respondent does not contest the IPV charge, but testified that she would have to leave her housing without C.W. listed on the lease. See Initial Decision at 4.



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). Additionally, while I agree that Respondent deliberately and intentionally withheld information from the Agency which resulted in overissuances of SNAP and WFNJ/GA benefits, based upon my independent review of the record and current regulatory authority, I order that Respondent is also disqualified from receipt of WFNJ/GA benefits for a period of 6 months. See N.J.A.C. 10:90-11.11(a)(1). The Initial Decision is modified to reflect this finding.

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

As Assistant Commissioner, Division of Family Development, Department of Human Services, I hereby MODIFY the Initial Decision in this matter based upon the discussion above, and ORDER that Respondent is disqualified from receipt of SNAP and WFNJ/GA benefits for a period of 12 months and 6 months, respectively. I further ORDER that the Agency is to recoup the overissuances.

Officially approved final version. DEC 15 2021

---

Natasha Johnson  
Assistant Commissioner

