



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 **05036-24 E.K.**

AGENCY DKT. NO. **C149769003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent intentionally failed to report receipt of household income, while she received SNAP benefits, 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 USPS certified mail with return receipt, on February 27, 2024. See Exhibit P-20. Respondent denied the IPV and requested a fair hearing. See Exhibit P-22. On April 16, 2024, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. On May 20, 2024, the Honorable Mamta Patel, Administrative Law Judge ("ALJ,") held a plenary hearing, took testimony, and admitted documents. The record was held open until the close of business on May 21, 2024, for additional submissions, and the record then closed.

On June 11, 2024, 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 intentionally withheld information from the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits, to which she not entitled. See Initial Decision at 5-6.

Here, Respondent applied for SNAP benefits for herself and her three children effective February 2017 and reported that child-support payments for her children were her only source of income. See Initial Decision at 2; see also Exhibit P-2 - P-5. Thereafter, during May 2017, Respondent completed her Interim Reporting Form ("IRF") and reported no changes to the earned income for the household. See Initial Decision at 3; see also exhibit P-10. On her February 2018 IRF, Respondent did disclose that her son was working and attending high school, however, the Agency failed to verify the income to adjust the household's SNAP benefits allotment. See Initial Decision at 3; see also Exhibit P-14. During November 2018, the Agency confirmed the income of Respondent's son through the Department of Human Services DOVE system which evidenced earned income from October 2016 through August 2018. See Initial Decision at 3; see also Exhibits P-7, P-9. Respondent had received SNAP benefits for a household of four from February 2017 through January 2018 based upon her representation that her only income was child support payments, however, the ALJ found that her son was a member of the household during that time period and had earned income since February 2016 which was not reported to the Agency. See Initial Decision at 4; see also Exhibit P-5.

The ALJ found that the Agency had proven, by clear and convincing evidence, that Respondent had intentionally failed to report receipt of her son's income and failed to report a change in income to the Agency which would have necessitated a recalculation of SNAP benefits. See Initial Decision at 2-4. Such failure to report earned income resulted



in an overissuance of SNAP benefits to Respondent in the amount of \$3,021.00 for the period of April, 2017 through January, 2018. 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, 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.

I direct that the Agency proceed to recoup the overissuance.

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. June 20, 2024

Natasha Johnson
Assistant Commissioner

