



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **00735-24 R.C.**

AGENCY DKT. NO. **C061695005 (CAPE MAY COUNTY WELFARE BOARD)**

Petitioner 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 he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing ("ADH," the charges against him, and the proposed disqualification penalty, via certified mail, return receipt requested, on November 30, 2023. See Exhibit P-1 at 48, 49-50, 51. Because Respondent failed to timely execute and return the waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. Id. at 42-43. Due to a scheduling error, the hearing, initially scheduled for February 8, 2024, was rescheduled. On the rescheduled date of March 21, 2024, Respondent appeared and informed the tribunal that he was not contesting the disqualification period, and that he wished to waive his right to participate in the ADH. Respondent was then excused, and the matter proceeded ex parte, which is permissible pursuant to our regulatory scheme. See N.J.A.C. 1:10-14.1(d). Thereafter, the Honorable Kathleen M. Calemmo, Administrative Law Judge ("ALJ,") held a hearing, took testimony, admitted documents, and the record then closed.

On April 2, 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 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 4. The ALJ found that Respondent, while receiving SNAP benefits, had failed to report that there was a change in the size of his household, specifically, that he had married M.S., which had caused the size of his household to increase from one person to two people. Id. at 2, 3; see also Exhibit P-1 at 1-4, 31-37, and N.J.A.C. 10:87-2.2(a). The ALJ further found that Respondent had failed to disclose this change on three interim reporting forms. See Initial Decision at 4; see also Exhibit P-1 at 5-30.

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 5.

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.



Notably, in this present matter, Petitioner Agency is not seeking repayment of the amount of overissued SNAP benefits Respondent had received, as a result of his intentional failure to accurately report the true composition of his household. See Initial Decision at 3, 4; see also Exhibit P-1 at 1. Petitioner Agency only seeks a determination that Respondent committed an IPV, which consequently, results in a period of disqualification from receipt of SNAP benefits, as outlined above.

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 AFFIRM the ALJ's determination that Respondent committed an IPV.

Officially approved final version. May 22, 2024

Natasha Johnson
Assistant Commissioner

