



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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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 14222-24 D.J.

AGENCY DKT. NO. C149920006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV"), as defined by N.J.A.C. 10:87-11.3 and 7 C.F.R. 273.16(c), of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent intentionally misrepresented his household composition while he received SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalty, via personal service, on September 23, 2024. See Exhibit P-1 at 4-5; see also N.J.A.C. 10:87-11.5(a)(3)(i) and 7 C.F.R. 273.16(e)(3)(i). Petitioner personally signed for the Notice. Ibid. Because Respondent failed to execute and return the waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. On October 23, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ") held a plenary hearing, took testimony, admitted documents, and the record closed. Respondent did not appear for the hearing, and the matter proceeded ex parte, which is permissible pursuant to regulation. See N.J.A.C. 1:10-14.1(d), N.J.A.C. 10:87-11.5(a)(4)(i), and 7 C.F.R. 273.16(e)(4). Respondent was given ten days following the hearing, to present good cause for his failure to appear. Ibid. Respondent did not respond.

On November 6, 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 8; see also N.J.A.C. 10:87-11.3(a), -11.5(a)(6), 7 C.F.R. 273.16(c)(1), and 7 C.F.R. 273.16(e)(4). Specifically, the ALJ found that Respondent had deliberately and intentionally withheld information from the Agency, by failing to accurately report his household composition on two distinct occasions during an August 2022 Recertification Application interview, as well as on a March 2023 Interim Reporting Form ("IRF"), which resulted in Respondent receiving an overissuance of SNAP benefits, to which he was not entitled. See Initial Decision at 5; see also Exhibit P-1 at 52-68, see also N.J.A.C. 10:87-5.2(a)(1), -9.5(a)(3), -11.5(a)(6) and 7 C.F.R. 273.16(c)(1). Respondent failed to report that his daughter had moved to another state during March 2022. See Initial Decision at 5. During July 2023, the Agency received a referral from an internal software matching program that Respondent's daughter had been receiving SNAP benefits under her mother's case in Pennsylvania since 2018, while also receiving SNAP benefits in New Jersey, under her father's case, since November 2021. See Initial Decision at 4; see also Exhibit P-1 at 23-24. Further investigation confirmed the information. See Initial Decision at 4; see also Exhibit P-1 at 25-50.

IPVs occur where the person intentionally "made a false or misleading statement, or misrepresented, concealed or withheld facts." See N.J.A.C. 10:87-11.3 and 7 C.F.R. 273.16(c). Such misrepresentations resulted in an overissuance



of SNAP benefits to Respondent in the amount of \$2,794 for the period of September, 2022 through August, 2023. See Initial Decision at 6; see also Exhibit P-1 at 71-82.

Respondent's SNAP case remained active and open until October 2024; therefore, the Agency was previously able to recover approximately ten percent of the overissuance by reducing Respondent's monthly SNAP benefits, leaving a current overissuance balance of \$2,578. See Initial Decision at 6; see also Exhibit P-1 at 88.

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 8-9; see also 7 C.F.R. 273.16(b)(1)(i).

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. See 7 C.F.R. 273.16(e)(6).

I direct that the Agency proceed to recoup the overissuance pursuant to N.J.A.C. 10:87-11.20 and 7 C.F.R. 273.18.

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 recoup the overissuance.

Officially approved final version. December 23, 2024

Natasha Johnson
Assistant Commissioner

