



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 14223-24 T.L.

AGENCY DKT. NO. C086492006 (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(), of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent intentionally failed to report receipt of earned income, at the time of her application and 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 Return Receipt Requested, on August 27, 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. See Exhibit P-1 at 6. 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 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 her failure to appear. See 7 C.F.R. 273.16(e)(4). 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 she 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 intentionally failed to report receipt of earned income, both at the time of her SNAP application on August 15, 2022, as well as on her Interim Reporting Form ("IRF") on November 29, 2022, which would have made her household ineligible to receive SNAP benefits. See Initial Decision at 8; see also Exhibit P-1 at 20-22, 23-49, 50-57, N.J.A.C. 10:87-5.2(a)(1), -9.5(a)(3) and 7 C.F.R. 273.16(c)(1). Such misrepresentations resulted in an overissuance of SNAP benefits to Respondent in the amount of \$6,004.00 for the period of August, 2022 through June, 2023. See Initial Decision at 8; see also Exhibit P-1 at 71-82. In addition, the Agency became aware that Petitioner began receiving direct child support payments during December 2022, which was not properly reported, but which the Agency used in determining benefit calculations for January, 2023 to July, 2023. See Initial Decision at 3, see also Exhibit P-1 at 50-57.

Respondent's SNAP case is currently open and active, and the Agency has been recovering a percentage of Petitioner's monthly SNAP benefits towards the overissuance, which has resulted in a current overissuance balance of \$5,572. See Initial Decision at 5; see also Exhibit P-1 at 66.



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; 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 to continue to recoup the overissuance.

Officially approved final version. December 23, 2024

Natasha Johnson
Assistant Commissioner

