



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 12421-24 C.L.

AGENCY DKT. NO. S624318012 (MIDDLESEX COUNTY BD OF SOC SCVS)

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 accurately report household income, while he received SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which he was not entitled. Respondent was noticed of the Administrative Disqualification Hearing ("ADH"), the charges against him, and the proposed disqualification penalty, via certified mail, return receipt requested, on July 27, 2024. See Exhibits P-1, P-2. 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. See Exhibit P-3. On September 27, 2024, the Honorable Deidre Hartman-Zohlman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. Respondent did not appear for the hearing, and the matter proceeded ex parte, which is permissible pursuant to our regulatory scheme. See N.J.A.C. 1:10-14.1(d). Respondent was given ten days to present good cause for her failure to appear. Respondent did not respond.

On October 15, 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 5. Specifically, the ALJ found that Respondent intentionally failed to report household earned income, which resulted in an overissuance of SNAP benefits in the amount of \$1,982, for the periods of January, 2023, through April, 2023, and July, 2023, through October, 2023. Id. at 2, 3, 4, 5; see also Exhibits P-4, P-6, P-7, P-8, P-9, P-10, P-11, and N.J.A.C. 10:87-5.4, -9.5.

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.

While I agree with the final conclusions of the ALJ in this matter, specifically, that Respondent committed a SNAP IPV, and therefore, is disqualified from the receipt of SNAP benefits for 12 months, I am modifying this Initial Decision for the following reason. In the Initial Decision, the ALJ cites to N.J.A.C. 10:90-11.1 et seq for the correct legal authority for seeking a finding of an IPV under the SNAP regulations, and N.J.A.C. 10:90-11.1(b), as the applicable regulatory basis to report that the ADH proceeded ex parte, when the Respondent, C.L., did not appear on September 27, 2024. See Initial Decision at 1, 2. It should be noted that the chapter and subchapter cited by the ALJ, N.J.A.C. 10:90-11.1 et seq, is applicable to IPV's under the Work First New Jersey program, while N.J.A.C. 10:87-11.1 et seq, is applicable to SNAP. Additionally, the appropriate regulatory provision authorizing the conduct of cases when a party does not appear



at an ADH is found at N.J.A.C. 1:10-14.1(d), and is correctly cited to in this Final Agency Decision. Accordingly, the Initial Decision is modified so as to reflect the correct regulatory authority.

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, while I concur with the ALJ's Findings of Fact and Conclusion of Law in this matter, I am MODIFYING the Initial Decision, based upon the discussion above.

I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby MODIFY 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. October 23, 2024

Natasha Johnson
Assistant Commissioner

