



State of New Jersey

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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 **12419-24 M.R.**

AGENCY DKT. NO. **C069301012 (MIDDLESEX COUNTY BD OF SOC SCVS)**

Petitioner Agency charges Respondent with committing intentional program violations ("IPVs") of the Supplemental Nutrition Assistance Program ("SNAP") and Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits programs. The Agency asserts that Respondent intentionally failed to accurately report household income, while she received SNAP and WFNJ/TANF benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was noticed of the Administrative Disqualification Hearing ("ADH"), the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on July 31, 2024. See Exhibit P-1. 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 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, affirming the Agency's determinations.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the record in this matter and I hereby MODIFY the ALJ's Initial Decision, based on the discussion below.

Here, the ALJ 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 was not entitled. See Initial Decision at 6. Specifically, the ALJ found that Respondent intentionally did not report the receipt of earned income, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$971, for the period of June, 2023, through July, 2023. See Initial Decision at 4; see also Exhibits P-4, P-9; and N.J.A.C. 10:87-5.4(a)(1), (2), -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.

An IPV of the WFNJ program is any statement or act by an individual, for the purpose of establishing or maintaining the assistance unit's eligibility for WFNJ assistance, for increasing or preventing a reduction in the WFNJ assistance, which is intentionally: a false or misleading statement or misrepresentation, concealment, or withholding of facts; or an act intended to mislead, misrepresent, conceal, withhold facts, or to propound a falsity. See N.J.A.C. 10:90-11.1(a).



Here, the ALJ found that Respondent intentionally did not report the receipt of earned income, which resulted in an overissuance of WFNJ/TANF benefits to Respondent in the amount of \$906, for the periods of June, 2023 through July, 2023. See Initial Decision at 4; see also Exhibits P-4; and N.J.A.C. 10:90-3.1(a), -3.9(c), -3.21(a)(1).

Individuals found to have committed an IPV [of the WFNJ program] shall be ineligible to participate in the program for a period of six months for the first violation. See N.J.A.C. 10:90-11.11(a)(1). As this was the first IPV committed by Respondent, the ALJ ordered the mandatory regulatory penalty of a six-month disqualification from receipt of WFNJ benefits. See Initial Decision at 6.

While I agree with the final conclusions of the ALJ in this matter, specifically, that Respondent committed SNAP and WFNJ/TANF IPV, and therefore, is disqualified from the receipt of SNAP benefits for 12 months and WFNJ benefits for six months, I am modifying this Initial Decision for the following reasons. 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. 10:90-4.13 et seq for the correct legal authority for seeking an IPV under the WFNJ/TANF regulations. 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 under the Work First New Jersey program, while N.J.A.C. 10:87-11.1 et seq, is applicable to SNAP. Further, the ALJ cites to 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, M.R., did not appear on September 27, 2024. See Initial Decision at 2. 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 authorities.

Further, while I agree with the ALJ's findings, that Respondent committed IPV of the SNAP and WFNJ/TANF programs, thereby warranting disqualification from the receipt of SNAP and WFNJ/TANF benefits, based upon my independent review of the record, I find that pursuant to regulatory authority, Respondent must repay to the Agency, the amount of overissued SNAP and WFNJ/TANF benefits that she received, and was not entitled to. See N.J.A.C. 10:87-11.20, N.J.A.C. 10:90-3.21. Accordingly, I am directing the Agency to recoup the overissued SNAP and WFNJ/TANF benefits paid to Respondent, in the total amount of \$1,877. See Initial Decision at 2, see also Exhibit P-6. The Initial Decision is modified to reflect this finding.

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 and from receipt of WFNJ benefits for a period of 6 months. I further ORDER that the Agency is to recoup the overissuances.

Officially approved final version. October 29, 2024

Natasha Johnson
Assistant Commissioner

