



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 **06361-24 A.C.**

AGENCY DKT. NO. **C018575014 (MORRIS CO. DIV. EMP. & TEMP ASST)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Work First New Jersey/General Assistance ("WFNJ/GA") program. Petitioner Agency asserts that Respondent failed to report household earned income while receiving WFNJ/GA benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on March 12, 2024. See Exhibit P-1 at 1, 2-3, 4. 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. Id. at 2-3. On May 21, 2024, the Honorable William J. Courtney, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed.

On May 24, 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 WFNJ/GA benefits to which she was not entitled. See Initial Decision at 3. Specifically, the ALJ found that Respondent deliberately and intentionally did not report that she had earned income from employment, which resulted in an overissuance of WFNJ/GA benefits to Respondent in the amount of \$8,587, for the period beginning July, 2019, through January, 2022. Id. at 2, 3, 4, 5; see also Exhibit P-1 at 10-11, 12-19, 22-24, 29-36, 39-53, 54, and N.J.A.C. 10:90-3.9(c), -3.21(a)(1).

As this was the first IPV committed by Respondent, the ALJ ordered the mandatory regulatory penalty of a 6-month disqualification from the WFNJ program, pursuant to N.J.A.C. 10:87-11.11(a)(1). See Initial Decision at 6.

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.

I direct that the Agency continue to recoup the overissuance.

By way of comment, with respect to a matter alleging an IPV, the Agency is responsible for initiating an administrative disqualification hearing. See N.J.A.C. 10:90-11.2(a). Accordingly, as the Agency is the party requesting relief in an IPV case, it is the "Petitioner." See N.J.A.C. 1:1-2.1, "Definitions." Conversely, the party responding to the Agency's request for relief in an IPV case is the "Respondent." Ibid. In the Initial Decision, A.C., was incorrectly referred to as "Petitioner,"



when she was, in fact, the Respondent. The Agency was incorrectly referred to as "Respondent" throughout the Initial Decision, when it should be have referred to as Petitioner. The parties are correctly identified in this Final Agency Decision. Accordingly, the Initial Decision is modified to reflect the correct designation of the parties.

Based upon the discussion above, the Initial Decision in this matter is MODIFIED. I ORDER that Respondent is disqualified from receipt of WFNJ benefits for a period of six months. I further ORDER that the Agency is to continue recouping the overissuance.

Officially approved final version. June 20, 2024

Natasha Johnson
Assistant Commissioner

