



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 **06959-24 J.D.**

AGENCY DKT. NO. **S478759014 (MORRIS CO. DIV. EMP. & TEMP ASST)**

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 report the receipt of household earned income, as well as child support payments, while receiving 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 certified mail restricted delivery, which was confirmed by the Agency on March 25, 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 ("OAL") for a hearing as a contested case. See Exhibit P-7. On May 30, 2024, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, and admitted documents into evidence. 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). Following the hearing, the ALJ requested Petitioner provide certain income calculations and upon receipt of same, the record was closed on June 11, 2024. Respondent was given ten days following the hearing, to present good cause for her failure to appear. Respondent did not respond.

On June 12, 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 was not entitled. See Initial Decision at 4-5. Specifically, the ALJ found that Respondent intentionally failed to report the receipt of earned income, as well as receipt of child support payments, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$12,568, for the periods of September, 2019 through January, 2021 and March, 2021 through November, 2021. See Initial Decision at 3-5; see also Exhibits P-3, P-4, P-8, P-10, P-11, P-12, P-14, P-15, P-16, P-17, P-18, P-19, and see also N.J.A.C. 10:87-5.1, -5.2(a)(1), -5.4(a)(1), -5.5(a)(5), -6.3, -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.

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 proceed to recoup the outstanding balance of the overissuance of SNAP benefits.



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 recoup the outstanding balance of the overissuance of SNAP benefits.

Officially approved final version. June 25, 2024

Natasha Johnson
Assistant Commissioner

