



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 11130-24 C.M.

AGENCY DKT. NO. C165077015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner Agency charges Respondents, C.M. and J.C., (docketed separately under Office of Administrative Law ("OAL") Docket No. HPW 11130-24 (C.M.), and OAL Docket No. HPW 11131-24 (J.C.)), with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondents intentionally failed to accurately report household income, while they received SNAP benefits, thus causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents were noticed of the Administrative Disqualification Hearing ("ADH," the charges against them, and the proposed disqualification penalties, via personal service, on July 18, 2024. See Exhibit P-1 at 1, 2-3, 6, 7-8. Because Respondents failed to execute and return the waiver of their right to a hearing, the matters were transmitted to the OAL for a hearing as contested cases. Id. at 4-5, 9-10. On September 9, 2024, at the commencement of the hearing, the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ," consolidated Respondents' separate matters. See N.J.A.C. 1:1-17.3(a). Respondent J.C. appeared on his own behalf, and on behalf of Respondent C.M. Following a pre-hearing conference, the parties jointly requested, and were granted, an adjournment. On the rescheduled date of September 12, 2024, the ALJ held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. Neither Respondent appeared for the September 12, 2024, 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). Respondents were given ten days to present good cause for their failure to appear. Respondents did not respond.

On September 30, 2024, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondents had deliberately and intentionally withheld information from the Agency, which resulted in Respondents receiving an overissuance of SNAP benefits to which they were not entitled. See Initial Decision at 7. Specifically, the ALJ found that Respondents intentionally did not report J.C.'s earned income as part of the total household income, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$27,274, for the period of April, 2020, through September, 2023. Id. at 3, 4, 6; see also Exhibits P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P-10, P-11, P-12, and N.J.A.C. 10:87-5.4, -9.5.

As this was the first IPV committed by Respondents, 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 7.

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.



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I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondents, C.M. and J.C., are 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 16, 2024

Natasha Johnson
Assistant Commissioner

