



State of New Jersey

PHILIP D. MURPHY
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 **03700-24 J.V.**

AGENCY DKT. NO. **C166030015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency charges Respondents, A.M. and J.V., (docketed separately under Office of Administrative Law ("OAL") Docket No. HPW 03699-24 (A.M.), and OAL Docket No. HPW 03700-24 (J.V.)), 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. Respondent A.M. was noticed of the Administrative Disqualification Hearing ("ADH," the charges against them, and the proposed disqualification penalties, via personal service, on February 22, 2024. See Exhibit P-1 at 1, 2-3. Respondent J.V. was noticed of the ADH, and the proposed disqualification penalties, via certified mail, return receipt requested, on February 28, 2024. Because Respondents failed to execute and return the waiver of their right to a hearing, the matter was transmitted to the OAL for a hearing as a contested case. Id. at 4-5. On April 23, 2024, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ," held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. Respondents 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). Respondents were given ten days to present good cause for their failure to appear. Respondents did not respond.

On May 8, 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 4. Specifically, the ALJ found that Respondents intentionally did not report A.M.'s earned income as part of the total household income, nor had earned income of a dependent household member, D.V. been reported after the age of majority, nor had unearned income in the form of Unemployment Insurance Benefits ("UIB") for A.M. been reported, which resulted in a total overissuance of SNAP benefits to Respondents in the amount of \$8,159, for the periods of August, 2022, through September, 2022; October, 2022, through December, 2022; and February, 2023, through March, 2023. Id. at 2, 3, 4; see also Exhibits P-2, P-3, P-4, P-5, P-6, and N.J.A.C. 10:87-5.4, -9.5. I agree.

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 5.

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 overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondents, A.M. and J.V., 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. May 21, 2024

Natasha Johnson
Assistant Commissioner

