



State of New Jersey

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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 **07738-24 K.C.**

AGENCY DKT. NO. **C177198015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency charges Respondents, M.C. and K.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 April 4, 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 matter was transmitted to the Office of Administrative Law for a hearing as a contested case. Id. at 4-5, 9-10. On June 10, 2024, the Honorable Judith Lieberman, 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 June 11, 2024, the ALJ issued an order consolidating Respondents' separate matters, docketed under OAL Docket Nos. HPW 06332-24 (M.C.) and HPW 07738-24 (K.C.). See N.J.A.C. 1:1-17.3(a). On July 1, 2024, the ALJ issued an Initial Decision, finding both Respondents had committed an IPV, and ordering both Respondents disqualified from receiving SNAP benefits for a period of 12 months.

No Exceptions to the Initial Decision were filed.

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

In the instance of an overpayment of SNAP benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. One type of overpayment which is subject to recoupment is one which results from an overpayment resulting from an individual committing an IPV. See N.J.A.C. 10:87-11.20(e)(1). Repayment of overissuances may be sought for up to six years following the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, the ALJ 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 6. Specifically, the ALJ found that M.C. and K.C. are married, and had lived together since February 16, 2022. See Initial Decision at 2; see also Exhibit P-9. The ALJ further found that on multiple occasions, when submitting applications for SNAP benefits, and Interim Reporting Forms, both M.C. and K.C. falsely and intentionally reported that neither Respondent was employed, when,



in fact, either one or both were gainfully employed, or that their household's total gross monthly income was lower than what it actually was, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$12,643 for the periods beginning April, 2022, through June, 2022, and October, 2022, through December, 2023. See Initial Decision at 2, 3, 4; see also Exhibits P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, and N.J.A.C. 10:87-5.4, -9.5. I agree.

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.

While I agree with the ALJ's findings, that Respondents committed an IPV of the SNAP program, thereby warranting disqualification from the receipt of SNAP benefits, based upon my independent review of the record, I find that pursuant to regulatory authority, Respondents must repay to the Agency, the amount of overissued SNAP benefits that they received, and were not entitled to. See N.J.A.C. 10:87-11.20. Accordingly, I am directing the Agency to recoup the overissued SNAP benefits paid to Respondents, in the amount of \$12,643. See Exhibit P-2. The Initial Decision is modified to reflect this finding.

I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby MODIFY the Initial Decision in this matter, and ORDER that Respondents are each 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. August 08, 2024

Natasha Johnson
Assistant Commissioner

