



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **09125-24 T.J.**

AGENCY DKT. NO. **C110504015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency charges Respondents, T.J. and M.H., (docketed separately under Office of Administrative Law ("OAL") Docket No. HPW 09125-24 (T.J.), and OAL Docket No. HPW 09130-24 (M.H.)), 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 earned and unearned 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, the charges against them, and the proposed disqualification penalties, via certified mail, return receipt requested, on May 30, 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 the initial hearing date of July 30, 2024, Respondents' son appeared, and, with consent of Petitioner Agency, requested an adjournment, because Respondents were out of the country. See Initial Decision at 4. On the rescheduled hearing date of October 1, 2024, at the commencement of the hearing, the Honorable Deirdre Hartman-Zohlman, Administrative Law Judge ("ALJ,") consolidated Respondents' separate matters. See N.J.A.C. 1:1-17.3(a). Thereafter, the ALJ held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed.

On October 18, 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 6. Specifically, the ALJ found that Respondents intentionally did not report self-employment income, income from a business that they owned, and unearned income, in the form of Unemployment Insurance Benefits, as part of the total household income, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$29,102. *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, and N.J.A.C. 10:87-5.4, -5.5, -9.5.

Notably, there are two separate claim amounts: the first claim for overissued SNAP benefits totals \$24,830, and is applicable to the periods of September, 2018, through March, 2020, August, 2020, through April, 2021, June, 2021, and November, 2021, through May, 2022. The second claim totals \$4,272 in overissued SNAP benefits, and covers the period beginning June, 2022, through September, 2022. The combined total amount of overissued benefits Respondents received, were not entitled to, and which must be repaid, is \$29,102 (\$24,380 + \$4,242). See Exhibits P-2 at 1, P-3.

The record indicates that in May, 2023, by way of a repayment agreement, Respondents agreed to repay \$29,102, in overissued SNAP benefits, they had received, and were not entitled to receive. See Exhibit P-12. The record further



indicates that, on or around July 24, 2023, Respondents made a payment in accordance to the terms of the repayment agreement. Ibid.

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 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.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondents, T.J. and M.H., are disqualified from receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency shall continue to recoup the overissuance.

Officially approved final version. October 23, 2024

Natasha Johnson
Assistant Commissioner

