



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **14074-23 A.P.**

AGENCY DKT. NO. **C231294020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner Agency seeks a finding that Respondent committed an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"), and to impose a 12-month disqualification penalty from receipt of SNAP benefits. The Agency asserts that Respondent failed to accurately report household income, thus causing Respondent to receive SNAP benefits to which she was entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on November 15, 2023. See Exhibits P-6 at 1-2, 9-13, P-7. 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 for a hearing as a contested case. See Exhibit P-6 at 5-6. On January 26, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed.

On May 1, 2024, the ALJ issued an Initial Decision, which found that the Agency had not met its burden in establishing, by clear and convincing evidence, that Respondent had committed an IPV. See Initial Decision at 2, 4. Specifically, the ALJ found that, for the period beginning October, 2020, through March, 2022, although Respondent had earned income from employment, and did not report this income, which had caused her to become ineligible for SNAP benefits, there was no evidence that Respondent intentionally concealed the excess income. *Id.* at 2, 3, 4; see also Exhibits P-3, P-4, P-5. The ALJ further found that Respondent, as a senior citizen, relies upon her daughter to assist her with most of her finances, and the fact that Respondent did not consult her daughter in this matter, does not in itself demonstrate that Respondent made a false or misleading statement, or misrepresented, concealed or withheld facts constituting an IPV. See Initial Decision at 2, 3, 4; see also N.J.A.C. 10:87-11.3(a)(1). Accordingly, based upon the record presented, and because the ALJ concluded that the Agency did not present clear and convincing evidence that Respondent had committed an IPV, no 12-month disqualification penalty from receipt of SNAP benefits was imposed against Respondent. See Initial Decision at 2, 4; see also N.J.A.C. 10:87-11.2(a)(1).

While I agree with the ALJ's finding, specifically, that Respondent did not commit an IPV, and therefore should not be disqualified from receipt of SNAP benefits for 12 months, pursuant to regulatory authority, in the instance of an overpayment of SNAP benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. In this matter, the ALJ found that Respondent was improperly issued SNAP benefits. See Initial Decision at 4. I agree with the ALJ, and note that overissuances must be repaid, regardless of fault, as any overissuance of SNAP benefits cannot result in a windfall to Respondent. See N.J.A.C. 10:87-11.20. To this end, the record indicates that Respondent has already started to repay a portion of the overissued SNAP benefits. See Initial Decision at 4.

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.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter. Respondent shall continue to pay to the Agency, and the Agency shall continue to recoup the overissued SNAP benefits. A 12-month penalty, disqualifying Respondent from receiving SNAP benefits, is not imposed.

Officially approved final version. June 26, 2024

Natasha Johnson
Assistant Commissioner

