



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 **02939-24 D.M.**

AGENCY DKT. NO. **C166541020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP.") The Agency asserts that Respondent intentionally failed to report receipt of earned income, while receiving SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing ("ADH,") the charges against him, and the proposed disqualification penalty, via certified mail, return receipt requested, on January 25, 2024. See Exhibits P-8, P-9. Because Respondent failed to execute and return the waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing as a contested case. See Exhibit P-7. On March 22, 2024, the Honorable Andrea Perry Villani, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, and admitted documents into evidence. Respondent 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). Thereafter, on April 3, 2024, 12 days after the ADH, Respondent contact the OAL and requested a new hearing date.

On April 11, 2024, the ALJ issued an Initial Decision. In the Initial Decision, the ALJ states that argument was heard with respect to Petitioner's failure to appear for the previously held ADH on March 22, 2024. See Initial Decision at 2. The ALJ found that Respondent did not demonstrate good cause for his failure to appear at the March 22, 2024, ADH. See Initial Decision at 4. Specifically, the ALJ found that on the March 22, 2024, hearing date, Respondent chose to work instead of participating in the ADH. Ibid. The ALJ further found that Respondent did not attempt to present good cause for his failure to appear, within 10 days of the ADH. Ibid.; see also N.J.A.C. 10:87-11.5(a)(3)(ii)(5). Accordingly, the ALJ concluded that Respondent did not demonstrate good cause for his failure to appear at the March 22, 2024, ADH. See Initial Decision at 4.

Next, the ALJ found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondent had deliberately and intentionally withheld information from the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits, to which he was not entitled. Id. at 5. Specifically, the ALJ found that Respondent intentionally failed to report earned income, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$6,689, for the period of October, 2019, through May, 2022. Id. at 2, 3, 4; see also Exhibits P-1, P-3, P-4, P-5, and N.J.A.C. 10:87-5.2(a)(1), -5.4(a)(1), -9.5.

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 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 of SNAP benefits.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondent is disqualified from receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance of SNAP benefits.

Officially approved final version. May 16, 2024

Natasha Johnson
Assistant Commissioner

