



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 12989-24 K.H.

AGENCY DKT. NO. C259152020 (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 improperly and intentionally allowed an unauthorized person to access and use Respondent's SNAP benefits, during January, 2024. On July 23, 2024, Respondent was properly noticed of the Administrative Disqualification Hearing ("ADH"), the charges against him, and the proposed disqualification penalty. See Exhibit P-8. 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 for a hearing as a contested case. On September 25, 2024, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a telephonic hearing, took testimony, admitted documents, and the record then closed on that date.

On October 3, 2024, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondent had participated in the transferring or trafficking of SNAP benefits. See Initial Decision at 8. Here, the record reflects that Respondent filed a theft report with the Jersey City Police Department on February 12, 2024, wherein he reported that he had allowed a friend and/or her son to use his EBT card for approximately one month beginning mid-January 2024, which resulted in \$500-\$600 of use. See Initial Decision at 2-3; see also Exhibit P-4. On February 15, 2024, Respondent submitted a Request for Replacement of Electronically Stolen Benefits for \$500 to the Petitioner Agency, which references four transactions made between January 20, 2024, and January 28, 2024. See Initial Decision at 3; see also Exhibit P-1. The Agency noticed Respondent on March 15, 2024, that his replacement request was "held pending," as more information was required to process his request and directed Respondent to submit the police report to the Agency, which he subsequently did. See Initial Decision at 3. On March 22, 2024, the Agency notified Respondent that replacement benefits in the amount of \$289 would be added to his EBT card, which was the total of the transactions included on the replacement request by Respondent. Ibid. Respondent received replacement benefits on March 22, 2024. Ibid.

Thereafter, on April 6, 2024, a fraud referral was made as the Agency determined, via the provided police report, that Respondent had given his benefits card to a friend to use and then completed the replacement form claiming benefits had been stolen. See Initial Decision at 4; see also Exhibit P-1. The Agency then sent Respondent an Appointment Notice for Suspected Intentional Program Violation on May 22, 2024, an Advance Notice of Administrative Disqualification Hearing on June 24, 2024, and an Advance Notice of Administrative Disqualification Hearing as well as a Work First New Jersey WFNJ-15 Notification Form on July 23, 2024, all of which contained information regarding the alleged IPV. See Initial Decision at 4; see also Exhibit P-7. On August 29, 2024, the Agency contacted Respondent via telephone where he confirmed receipt of the correspondence sent to him and requested a new interview date to discuss the alleged IPV.



See Initial Decision at 5. A new interview date was scheduled, an Appointment Notice for Suspected Intentional Program Violation was sent, and Respondent failed to appear for the interview. Ibid.; see also Exhibit P-7.

Here, the ALJ found that Respondent improperly transferred his SNAP benefits to a friend and/or her son by giving his Electronic Benefits Transfer ("EBT") card to his friend to use, with full knowledge that the friend was not authorized to have, or use, Respondent's EBT card. See Initial Decision at 8; see also N.J.A.C. 10:87-11.3(a)(2). I agree. Based upon the ALJ's finding, that Respondent had committed an IPV, thereby warranting disqualification from the receipt of SNAP benefits, 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). Ibid. I also agree.

Further, based upon the ALJ's Initial Decision, as well as an independent review of the record, an IPV Overpayment Claim Referral, from September 11, 2024, reflects an overpayment of SNAP benefits from March 2021 through the present based upon the failure of Respondent to include a household member on his SNAP application, as he has been residing with the same individual for many years. See Initial Decision at 5-6. Further, the Respondent recently reported employment but will not provide the name of his employer so that the Agency is able to verify his income. Ibid. The ALJ found that the Agency did not properly notice Respondent regarding the allegations of his not properly reporting his household composition, as well as his earned income, which may have resulted in an overpayment of SNAP benefits. Id. at 8. I agree with the ALJ that the allegations and overpayments are not addressed in the notices thus far provided to Respondent and that the Agency must separately notify Respondent of same if they wish to pursue the overissuance.

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 and 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, and ORDER that Respondent is hereby disqualified from the receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the replacement benefits improperly provided to Respondent by way of his Request for Replacement of Electronically Stolen Benefits. I further ORDER that the Agency evaluate this matter regarding the allegations of misrepresentation of the household and failure to report employment/earned income and determine if an Overpayment Claim Referral is appropriate, and if so, provide required notice to Respondent.

Officially approved final version. October 24, 2024

Natasha Johnson
Assistant Commissioner

