



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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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 12990-24 K.T.

AGENCY DKT. NO. C245172020 (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 10-year disqualification penalty from receipt of SNAP benefits. See Exhibit P-7. The Agency asserts that Respondent withheld information regarding her residence, thereby resulting in her receiving SNAP benefits simultaneously in two (2) counties. The Agency did prepare an Advance Notice of Administrative Disqualification Hearing dated July 23, 2024, with an administrative disqualification hearing scheduled for September 25, 2024. 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 ("OAL") for a hearing as a contested case. On September 25, 2024, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing without Respondent, as Respondent failed to appear, which is permissible pursuant to 7 C.F.R. §273.16(e)(4), N.J.A.C. 10:87-11.5(a)(4)(i), and N.J.A.C. 1:10-14.1(d). Respondent was provided ten days of the hearing date to submit good cause for her failure to appear. See 7 C.F.R. §273.16(e)(4). Respondent failed to contact OAL and the record closed on October 7, 2024.

On October 7, 2024, the ALJ issued an Initial Decision, which found that the Agency had not met its burden in establishing that Respondent received the required thirty-day advance notice of the administrative disqualification hearing by August 26, 2024. See Initial Decision at 4; N.J.A.C. 10:87-11.5(a)(3). Specifically, the ALJ found that the certified mail receipt addressed to Respondent did not have a postmark or Respondent's signature. Ibid. Since there was not any tracking information from the United States Postal Service, the ALJ could not conclude that Respondent had indeed received the required timely notice of the advanced disqualification hearing. Ibid. Accordingly, the ALJ dismissed the matter. Based on an independent review I agree. Moreover, the handwritten notation on Exhibit P-8 does not state on what date Respondent actually received the Advance Notice of Administrative Disqualification Hearing, but rather, only that the Agency representative spoke with Respondent on August 29, 2024. See also Exhibit P-7.

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.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter and dismiss the Agency's action. The dismissal of this matter does not preclude the Agency from initiating new administrative disqualification procedures against the Respondent.



Officially approved final version. November 27, 2024

Natasha Johnson
Assistant Commissioner

