



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **10731-24 T.T.**

AGENCY DKT. NO. **C131756020 (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 household income, while receiving SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on July 12, 2024. See Exhibits P-7 at 17-18, 25-29, and P-8. 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-7 at 5-6. The hearing was initially scheduled for August 18, 2024, but was adjourned at Respondent's request. On September 3, 2024, the date of the rescheduled hearing, the Honorable William J. Courtney, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, and admitted documents. Respondent did not call in 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). The record then closed that day.

On September 9, 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 deliberately and intentionally withheld information from the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits to which she not entitled. See Initial Decision at 3, 4. Specifically, the ALJ found that Respondent intentionally did not report the receipt of her earned income, her unearned income, in the form of Unemployment Insurance Benefits, and the earned income of her adult daughter who resided with Respondent, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$10,601.82, for the period beginning December, 2022, through March, 2024. Id. at 2, 3, 4; see also Exhibits P-3, P-4, P-5, P-6; and N.J.A.C. 10:87-5.4(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 4.

The ALJ further ordered that Respondent shall pay no less than \$25.00 per month, until the entire balance has been repaid. Id. at 5. The terms of repayment shall be contained in a repayment agreement, negotiated between Petitioner Agency and Respondent. See N.J.A.C. 10:87-11.20(j)(1).

Notably, with respect to a matter alleging an IPV, the Agency is responsible for initiating an administrative disqualification hearing. See N.J.A.C. 10:87-11.1. Accordingly, as the Agency is the party requesting relief in an IPV case, it is the "Petitioner." See N.J.A.C. 1:1-2.1, "Definitions." Conversely, the party responding to the Agency's request for relief in an IPV case is the "Respondent." Ibid. Here, T.T., was incorrectly referred to as "Petitioner," when she was, in fact, the



Respondent. The Agency was incorrectly referred to as "Respondent" throughout the Initial Decision, when it should be have referred to as Petitioner. This Initial Decision is modified so as to reflect the correct designation of the parties.

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, while I concur with the ALJ's Findings of Fact and Conclusion of Law in this matter, I am MODIFYING the Initial Decision, based upon the discussion above.

Accordingly, based upon the foregoing, I hereby MODIFY 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 and direct the Agency to recoup the overissuance.

Officially approved final version. October 16, 2024

Natasha Johnson
Assistant Commissioner

