



State of New Jersey

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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 02930-18 A.S.

AGENCY DKT. NO. C097303015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP") and the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") program. The Agency asserts that Respondent failed to report earned income while she was receiving SNAP and WFNJ/TANF benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail. See Initial Decision at 2; see also Exhibit P-1 at 1-8. When the Administrative Disqualification Hearing Notice/Service Receipt was returned to the Agency unsigned, the Agency confirmed, via telephone conversation with Respondent, that she had received the notice and acknowledged the hearing date. Ibid. 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. On March 13, 2018, the Honorable Edward J. Delanoy, Jr., Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. 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). The record remained open for 10 days for Respondent to show good cause for her failure to appear, and then closed on March 23, 2018.

On April 11, 2018, 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 failed to report earned income, which resulted in Respondent receiving an overissuance of SNAP and WFNJ/TANF benefits to which she was not entitled. See Initial Decision at 5. Specifically, Respondent intentionally did not accurately report earned income during the period of November 2014 through March 2015, and from March 2016 through November 2016, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$7,144.00, and WFNJ/TANF benefits in the amount of \$6,834 for the months of November 2014 through March 2015, and from February 2016 through February 2017, for a total of \$13,978.00. Ibid.; see also Exhibit P-2, and N.J.A.C. 10:87-5.2(a)(1), -9.5, and N.J.A.C. 10:90-3.21(a), -11.1(a).



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. In addition, Respondent is subject to a six-month mandatory regulatory disqualification from the WFNJ program, which also includes Emergency Assistance ("EA") benefits. Ibid.; see also N.J.A.C. 10:90-11.11(a)(1).

No Exceptions to the Initial Decision were filed.

As the Director of the 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 overissuances.

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, and from receipt of WFNJ benefits, including EA, for a period of six months. I further ORDER that the Agency is to recoup the overissuances.

APR 17 2018

Officially approved final version.

Natasha Johnson
Director

