



*State of New Jersey*

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*Governor*

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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 03464-18 B.S.

AGENCY DKT. NO. S526080012 (MIDDLESEX COUNTY BD OF SOC SCVS)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent failed to report a change in household income while she was receiving SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. On December 20, 2017, Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty via personal service. See Exhibit P-1. Because Respondent had not executed a waiver of her rights to a hearing, the matter was transferred to the Office of Administrative Law for a hearing as a contested case. On March 27, 2018, the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ"), held a hearing, took testimony, and admitted documents. The hearing record remained open for the Agency to submit an additional exhibit. Respondent was advised by the ALJ that she had the right to submit a response to the new exhibit by the close of business on April 3, 2018. No response was received and the record then closed on April 3, 2018.

On April 16, 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 withheld information from the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 4. Specifically, Respondent intentionally did not report Unemployment Insurance Benefits ("UIB") received beginning July 2013, which resulted in an overissuance to Respondent of SNAP benefits in the amount of \$184 for the month of October 2013, to which she was not entitled. *Id.* at 3; see also Exhibit P-2 at 5, P-8, and N.J.A.C. 10:87-5.2(a)(1), N.J.A.C. 10:87-9.5. The ALJ also found Respondent liable for the overissuance amount of \$184. See Initial Decision at 4; see also N.J.A.C. 10:87-11.20.

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 the Director of the 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.

I direct that the Agency proceed to recoup the overissuance.

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.

Officially approved final version.

APR 27 2018

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Natasha Johnson  
Director

