



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 05102-18 C.V.

AGENCY DKT. NO. C023359017 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner Agency charges Respondents with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondents misrepresented their address in order to receive SNAP benefits simultaneously in two states, thus causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents were properly noticed of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalty via certified mail, return receipt requested. See Exhibit P-4. Because Respondents failed to execute and return the waiver of their right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. On April 23, 2018, the Honorable Tama B. Hughes, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. Respondents 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 ten days for Respondents to present good cause for their failure to appear and the record then closed on May 3, 2018.

On May 4, 2018, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondents had deliberately, and intentionally, misrepresented information to the Agency, which resulted in Respondents receiving an overissuance of SNAP benefits to which they were not entitled. See Initial Decision at 4-5.

Specifically, the ALJ found that Respondents intentionally applied for, and received, SNAP benefits in another state, while still collecting SNAP benefits from New Jersey, during the periods of July 2017 through September 2017, and November 2017 through January 2018, which resulted in an overissuance of SNAP benefits to Respondents in the amount of \$3,072. Id. at 3-4; see also Exhibits P-2, P-5, P-7, P-8, P-13, P-14, and N.J.A.C. 10:87-5.2(a)(1) and N.J.A.C. 10:87-9.5.

Because Respondents were found to have made a fraudulent statement or representation regarding their place of residence in order to receive multiple SNAP benefits, the ALJ concluded that Respondents



are ineligible to participate in the SNAP program for ten years pursuant to N.J.A.C. 10:87-11.2(e). See Initial Decision at 5. I agree.

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 overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondents are ineligible to participate in the SNAP program for a period of ten years. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

MAY 09 2018

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Natasha Johnson  
Director

