



State of New Jersey

PHILIP D. MURPHY
Governor

**DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Acting Commissioner

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NATASHA JOHNSON
Director
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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 02905-18 J.M.

AGENCY DKT. NO. S530814012 (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 unearned income while she was receiving SNAP benefits, thus causing Respondent to receive an overissuance of said 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 personal service. See Initial Decision at 2; see also Exhibit R-1. 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. Ibid. On March 9, 2018, the Honorable David M. Fritch, 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 was left open for ten days for Respondent to present good cause for her failure to appear, and then closed on March 19, 2018.

On April 9, 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 when she failed to report a change in unearned income, which resulted in Respondent receiving an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 4-5; see also Exhibits R-4, R-10, R-11, R-14. Specifically, the ALJ concluded that Respondent intentionally did not report that her husband was receiving unemployment benefits between January and June of 2014, which resulted in an overissuance of SNAP benefits in the total amount of \$158 for the months of May and June, 2014. See Initial Decision at 3-5; see also Exhibits R-4, R-10, R-11, R-14, and N.J.A.C. 10:87-5.2(a)(1), -11.20(d). Further, the ALJ imposed 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. 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.



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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 20 2018

Natasha Johnson

Director

