



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 18514-17 K.W.

AGENCY DKT. NO. C051538006 (CUMBERLAND COUNTY BD 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 failed to report earned income while she was receiving SNAP 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 personal service. See Exhibit P-1 at 1-6. 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 ("OAL") for a hearing as a contested case. The hearing was originally scheduled for January 17, 2018. Respondent failed to appear on that date, but contacted OAL to advise that she had no transportation to the hearing. The matter was rescheduled for January 31, 2018, with notice provided to Respondent. On January 31, 2018, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. Respondent did not appear for the rescheduled 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 February 12, 2018.

On March 1, 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 include her earned income, which resulted in Respondent receiving an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 3-4. Specifically, the ALJ found that Respondent intentionally did not accurately report earned income during the period of January 1, 2015, through July 1, 2015, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$2655.00. See Initial Decision at 4; see also Exhibit P-1 at 1, 32-34, 56-57; see also N.J.A.C. 10:87-5.2(a)(1) and N.J.A.C. 10:87-9.5. 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.

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.

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 ineligible to participate in the SNAP for a period of 12 months. I further ORDER and DIRECT the Agency to recoup the overissuance.

Officially approved final version.

MAR 12 2018

Natasha Johnson

Director

