



State of New Jersey

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Governor

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NATASHA JOHNSON  
Director

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 10462-18 L.M.

AGENCY DKT. NO. S591256012 (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 misrepresented place of residence in order to receive SNAP benefits simultaneously in two states, 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, on May 21, 2018. See Exhibit P-4. 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 August 7, 2018, the Honorable Joseph A. Ascione, 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 ten days for Respondent to present good cause for her failure to appear and the record then closed on August 17, 2018.

On September 6, 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 misrepresented information to the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 4. Specifically, the ALJ found that Respondent intentionally applied for, and received, SNAP benefits in New Jersey while also collecting SNAP benefits from another state, during the periods of February 2017 through July 2017, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,820. Id. at 3; see also Exhibits P-4, P-6, P-12 at 3, P-14, P-17, and N.J.A.C. 10:87-5.2(a)(1) and N.J.A.C. 10:87-9.5.

Because Petitioner was found to have made a fraudulent statement or representation regarding her place of residence in order to receive SNAP benefits simultaneously in multiple states, the ALJ concluded that Petitioner is 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 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 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 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.

**SEP 14 2018**

Natasha Johnson

Director

