



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 01399-18 T.B.

AGENCY DKT. NO. S465078014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)

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 from his second job while he was receiving SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalty by personal service. See Exhibit P-1. Because Respondent failed to execute and return the waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. On January 30, 2018, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents.

On February 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 withheld information from the Agency when he failed to report earned income from a second job, which resulted in Respondent receiving an overissuance of SNAP benefits to which he was not entitled. See Initial Decision at 6. Specifically, Respondent intentionally did not accurately report that he was receiving income from a second job during the period of January 2014 through June 2014, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,005. Id. at 3; see also Exhibits P-2, P-3, P-4; see also N.J.A.C. 10:87-5.2(a)(1). 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 6.

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 for a period of 12 months. I further ORDER that the Agency is to recoup the



overissuance.

Officially approved final version.

FEB 15 2018

Natasha Johnson

Director

