



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Director
Tel: (609) 588-2000

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 02906-18 T.M.

AGENCY DKT. NO. S512275012 (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 intentionally failed to report her income from unemployment benefits, thereby causing Respondent to receive SNAP 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 a letter personally served on her by the Agency on December 19, 2017, as provided in N.J.A.C. 10:87-11.5(a)(3)(i),(ii). See Exhibits R-1, R-2, R-3. On March 9, 2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents.

On March 28, 2018, the ALJ issued an Initial Decision, which found that the Agency had not met its burden in establishing, by clear and convincing evidence, that Respondent committed an IPV by intentionally concealing or withholding facts concerning her unemployment benefits. See Initial Decision at 7; see also N.J.A.C. 10:87-11.5(a)(6). Here, it is uncontested that Respondent failed to report a change in her household income which resulted in the overissuance of SNAP benefits. See Initial Decision at 6; see also Exhibits R-15, R-16, R-17. Respondent testified that she misunderstood what she was required to report, and the ALJ noted that Respondent's testimony, acknowledging her error and taking responsibility for it, was credible and believable. See Initial Decision at 4-5. The ALJ also found that, based on Respondent's Interim Reporting Form filed on February 17, 2011, an overpayment of \$301 for the months of March and April 2011, had occurred. Id. at 3, 6; see also Exhibits R-16. Based on the foregoing, and the record presented, the ALJ determined that, despite the overpayment, the Agency had failed to meet its burden, by clear and convincing evidence, that Respondent's error was intentional such that it constituted an IPV, and reversed the Agency action disqualifying Respondent from SNAP benefits. See Initial Decision at 4, 7; see also N.J.A.C. 10:87-11.5(a)(6). I agree.

Further, based on the record presented, the ALJ determined that Respondent had been unjustly enriched as a result of the overissued benefits, and concluded that Respondent's overpayment of SNAP benefits was correctly calculated by the Agency and must be repaid. See Initial Decision at 6; see also Exhibits R-4, R-5, R-22 and N.J.A.C. 10:87-11.20(a), (b). I also 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, 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.



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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 and DIRECT the Agency to recoup the overissuance.

Officially approved final version.

APR 09 2018

Natasha Johnson

Director

