



State of New Jersey

PHILIP D. MURPHY
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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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 13674-19 B.L.

AGENCY DKT. NO. C001202006 (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 receipt of earned income, thus causing her to receive an overissuance of benefits to which she was not entitled. On August 12, 2019, Respondent was properly noticed of the Administrative Disqualification Hearing ("ADH"), the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested. See Exhibit P-1 at 2, 3, 4-5. Because Respondent failed to timely 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. *Id.* at 7-8. On October 9, 2019, the Honorable Kathleen M. Calemme, 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 to allow the Agency to provide an English version of the ADH notice, and the notice to reduce Petitioner's SNAP benefits. On November 1, 2019, the Agency provided an English version of the ADH notice and the notice to reduce Petitioner's SNAP benefits, and the record closed on that day. Respondent was given ten days from the date of the hearing to present good cause for her failure to appear. Respondent did not respond.

On November 13, 2019, 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, which resulted in Respondent receiving an overissuance of SNAP benefits to which she was not entitled. See Initial Decision at 5. Specifically, Respondent intentionally failed to accurately report earned income, which resulted in an overissuance to Respondent of SNAP benefits in the amount of \$2,713, for the period beginning July, 2018, through February, 2019. See Initial Decision at 3, 4, 5; see also Exhibits P-1 at 16-24, 25-41, 42-63, 68-69, 76, 94 and N.J.A.C. 10:87-5.2(a)(1), -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 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 an 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 disqualified from receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance.

NOV 20 2019

Officially approved final version.

Natasha Johnson
Assistant Commissioner

