



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 17799-18 D.M.

AGENCY DKT. NO. S454887006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP") program. The Agency asserts that Respondent failed to report unearned income 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 via certified mail, return receipt requested, on November 10, 2018. See Exhibit P-1 at 2, 3-4. 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. *Id.* at 5-6. On January 9, 2019, the Honorable Dorothy Incarvito-Garrabrant, Administrative Law Judge ("ALJ"), held a hearing, took testimony, and admitted documents.

On January 24, 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 he was not entitled. See Initial Decision at 6. Specifically, the ALJ found that Respondent intentionally failed to report unearned income, namely, monthly cash dividends issued from a mutual fund, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$5,218, for the period of November 2009, through July 2012. *Id.* at 5; see also Exhibit P-1 at 45, 48, 49, 51, 54, 57, 147, and N.J.A.C. 10:87-5.2(a)(1), -5.5(a)(7), (8)(ii), -9.5(b)(1)(ii).

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 7.

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.

By way of comment, the record reflects that the Agency further seeks a finding that Respondent also committed an IPV of the Work First New Jersey/General Assistance ("WFNJ/GA") program. See Exhibit P-1 at 9-12. The record additionally reflects that Petitioner has agreed to repay the amount of overissued WFNJ/GA benefits that he had received. See Initial Decision at 2; n.1. Therefore, I direct the Agency to allow Respondent to sign a waiver of his right to an administrative disqualification hearing in accordance with N.J.A.C. 10:90-11.4(a), so that the Agency may recoup the overissued WFNJ/GA benefits. Should Respondent choose not to execute the waiver of his right to an administrative disqualification hearing, the Agency may proceed with the administrative disqualification hearing process. See N.J.A.C. 10:90-11.4 and -11.5.

I direct that the Agency proceed to recoup the overissuance of SNAP benefits.

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 of SNAP benefits.

Officially approved final version.

FEB 21 2019

Natasha Johnson
Director

