



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

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TRENTON, NJ 08625-0716

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 02240-19 E.S.

AGENCY DKT. NO. S453882014 (MORRIS CO. DIV. EMP. & TEMP ASST)

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 that she was incarcerated while she was receiving SNAP benefits, and that a member of Respondent's family, who was not part of the SNAP household, improperly used her SNAP benefits during her incarceration, 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, return receipt requested, on January 16, 2019. See Exhibit P-1 at 27, 28-29. 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. See Exhibit P-1 at 30-31. On February 26, 2019, the Honorable Barry E. Moscowitz, 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. Respondent did not respond and the record then closed on March 11, 2019.

On March 12, 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 4. Specifically, Respondent intentionally never reported her incarceration to the Agency, as she was required to do. *Id.* at 3; see also Exhibit P-1 at 1-4, and N.J.A.C. 10:87-2.4(a). Additionally, Respondent gave a family member, who was not a part of the SNAP household, access to her Electronic Benefits Transfer ("EBT") card, and that family member made unauthorized purchases, which resulted in an overissuance to Respondent of SNAP benefits in the amount of \$326.89, for the period of July 10, 2018, through September 20, 2018. *Id.* at 2; see also Exhibit P-1 at 8-9, 21-25; see also N.J.A.C. 10:87-5.2(a)(1), N.J.A.C. 10:87-9.5, -9.7.



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 4. The ALJ also ordered Respondent to repay the overissuance of \$326.89. Ibid.

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 disqualified from receipt of SNAP benefits for a period of 12 months. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

Natasha Johnson
Director

MAR 28 2019

