



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

PO BOX 716
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 00611-19 J.G.

AGENCY DKT. NO. C101352015 (OCEAN COUNTY BOARD 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 misrepresented his address in order to receive SNAP benefits simultaneously in two states, 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 December 19, 2018. See Exhibit P-1 at 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. See Exhibit P-1 at 4-5. On January 29, 2019, the Honorable Edward J. Delanoy, Jr., Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents.

On February 11, 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 misrepresented information to the Agency, which resulted in Respondent receiving an overissuance of SNAP benefits to which he was not entitled. See Initial Decision at 3. Specifically, the ALJ found that Respondent intentionally applied for, and received SNAP benefits in Florida while still collecting SNAP benefits in New Jersey, during the periods of August 2017, through February 2018, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$2,787. Ibid.; see also Exhibits P-2, P-3, P-5, and N.J.A.C. 10:87-5.2(a)(1), -9.5.

Because Petitioner was found to have made a fraudulent statement or representation regarding his place of residence in order to receive multiple SNAP benefits, the ALJ concluded that Petitioner is ineligible to participate in the SNAP program for ten years pursuant to N.J.A.C. 10:87-11.2(e). See Initial Decision at 3-4.

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 program for a period of ten years. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

Natasha Johnson
Director

MAR 07 2019

