



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 16299-18 J.M.

AGENCY DKT. NO. C035161006 (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 household earned income, while also receiving SNAP benefits, 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 personal service on October 25, 2018. See Exhibit P-1 at 3. 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. *Id.* at 6-7.

On November 28, 2018, the Honorable Jeffrey R. Wilson, 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. 10:87-5.2(a)(1), -9.5. 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 December 10, 2018.

On December 24, 2018, 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 failed to accurately report earnings for herself and her child, which resulted in an overissuance of \$4,058 in SNAP benefits, for the period of November 2010, through October 2011. *Id.* at 3; see also Exhibit P-1 at 17, 19, 32-33, 34-35; 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 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 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.

JAN - 8 2019

Natasha Johnson

Director

