



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 06603-19 J.O.

AGENCY DKT. NO. S723851009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner's application for SNAP benefits, contending that she was permanently barred from receiving SNAP benefits, because she incurred three Intentional Program Violations ("IPVs") of SNAP. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On May 30, 2019, the parties were granted a joint request for an adjournment. On the rescheduled date of June 27, 2019, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The Agency's Fraud Investigator appeared on that day, but the Fair Hearing Liaison did not appear, due to illness. The Fraud Investigator testified, and Petitioner testified briefly. Petitioner notified the ALJ that she had additional documents in a storage facility which she needed for her case, but had not been able to obtain them. As a result, the ALJ continued the hearing until August 28, 2019. On August 21, 2019, Petitioner requested an adjournment of the August 28, 2019, hearing date due to a family emergency. The request was granted, and the case was rescheduled to October 8, 2019. On October 8, 2019, the Agency appeared, but Petitioner did not appear. The Agency moved for the case to be dismissed with prejudice. The ALJ granted the Agency's motion, after having received no response from Petitioner, to phone calls from the OAL, inquiring as to her appearance at the proceedings. The ALJ admitted all documents into evidence, and the record closed on that day. Later that same date, the ALJ's secretary received two emails from Petitioner stating that she never received notice of the October 8, 2019, hearing date, and that she was in another state with her father.

On October 16, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had incurred three separate IPVs, which were established on the following dates: March 1, 1996, July 3, 1996, and July 10, 2001. See Initial Decision at 4-6; see also Exhibit R-2 at 7. The total amount of overissued SNAP benefits Petitioner received as a result of the three IPVs totaled \$10,690 (\$405 + \$7,729 + 2,556). See Initial Decision at 10; see also Exhibit R-2 at 4, 36-37, 38-39, 40. The ALJ found that the record contains sufficient and credible evidence that three IPVs were imposed by the Agency against Petitioner, and that, pursuant to applicable regulatory authority, Petitioner is permanently disqualified from receiving SNAP benefits. See Initial Decision at 12; see also N.J.A.C. 10:87-11.2(a)(3). Accordingly, the ALJ concluded that Petitioner is permanently disqualified from participating in the SNAP program, and affirmed the Agency's decision to deny Petitioner's application for SNAP benefits. See Initial Decision at 13; see also Exhibit R-1, and N.J.A.C. 10:87-11.2(a)(3). I agree.

No Exceptions to the Initial Decision were received.



As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, only one adjournment may be granted in SNAP fair hearings, which shall not exceed 30 days. See N.J.A.C. 10:87-8.6(a)(4)(i) and N.J.A.C. 1:10-9.1(b). It should be noted that the adjournments in this case extended well beyond the permissible maximum of 30 days.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

NOV 18 2019

Natasha Johnson

Assistant Commissioner

