



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
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TRENTON, NJ 08625-0716

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 11719-19 S.R.

AGENCY DKT. NO. C136610002 (BERGEN 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 provided false and misleading information in connection with her application for SNAP benefits, thus causing her to receive an overissuance of benefits to which she was not entitled.

Respondent was noticed of an Administrative Disqualification Hearing ("ADH"), the charges against Respondent, the proposed disqualification penalty, and provided with a Waiver of Right to Administrative Disqualification ("Waiver") on May 13, 2019. See Exhibit P-7, P-8, P-10 at 244-245, 246-247. On that same date, the Agency forwarded a copy of the Waiver to counsel for Respondent. See Exhibit P-10 at 243. The Agency also advised Respondent's counsel that Respondent had until May 23, 2019, to return an executed copy of the Waiver, or the Agency will proceed to an ADH. *Ibid.*; see also N.J.A.C. 10:87-11.6. On May 30, 2019, Respondent executed the Waiver, and her counsel forwarded the executed Waiver to the Agency on June 3, 2019. See Exhibit P-10 at 248-249. Because the Agency received the executed Waiver after May 23, 2019, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. See Initial Decision at 3; see also N.J.A.C. 10:87-11.6. On July 2, 2019, Respondent was properly noticed of the scheduled Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested. See Exhibits P-3, P-4. On August 27, 2019, the Honorable Evelyn J. Marose, 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).

On August 29, 2019, the ALJ issued an Initial Decision, which found that Respondent had waived her right to an ADH when she executed the Waiver. See Initial Decision at 3; see also Exhibit P-8, and N.J.A.C. 10:87-11.2(a). The ALJ further found that Respondent previously acknowledged that, as a result of executing the Waiver, she will be disqualified from receiving SNAP benefits for a period of 12 months. *Ibid.* Accordingly, 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 an 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, with respect to a matter alleging an IPV, the Agency is responsible for initiating an administrative disqualification hearing. See N.J.A.C. 10:87-11.1. Accordingly, as the Agency is the party requesting relief in an IPV case, it is the "Petitioner." See N.J.A.C. 1:1-2.1, "Definitions." Conversely, the party responding to the Agency's request for relief in an IPV case is the "Respondent." Ibid. Here, S.R. was incorrectly referred to as "Petitioner" throughout the Initial Decision, when she was, in fact, the Respondent. See Initial Decision at 1, 2, 3, 4.

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.

Officially approved final version.

Natasha Johnson
Assistant Commissioner

OCT 11 2019

