



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 13173-25 S.H.

AGENCY DKT. NO. C065555005 (CAPE MAY COUNTY WELFARE BOARD)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV"), as defined by N.J.A.C. 10:87-11.3 and 7 C.F.R. 273.16(c), of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserted that Respondent intentionally misrepresented her household composition while she received 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 certified mail. See Exhibit P-1 at 60-72; see also N.J.A.C. 10:87-11.5(a)(3)(i) and 7 C.F.R. 273.16(e)(3)(i). 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. On August 14, 2025, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ") held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed. On August 19, 2025, the ALJ issued an Initial Decision, which found that the Agency had failed to meet 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 7; see also N.J.A.C. 10:87-11.3(a), -11.5(a)(6), 7 C.F.R. 273.16(c)(1), and 7 C.F.R. 273.16(e)(4).

IPVs occur where the person intentionally "made a false or misleading statement, or misrepresented, concealed or withheld facts." See N.J.A.C. 10:87-11.3 and 7 C.F.R. 273.16(c).

The record reveals that Respondent applied for SNAP benefits on February 12, 2025, on behalf of a household of three, including herself and her two minor children. See Initial Decision at 2; see also Exhibit P-1 at 8-22. At the time of her application, Respondent disclosed that she was receiving SNAP benefits from Florida, as well as including a New Jersey address and stating that her housing was provided at no cost. See Initial Decision at 2; see also Exhibit P-1 at 15. On February 18, 2025, an Agency representative interviewed Respondent and was informed that Respondent was living with an individual, R.W., at his home. See Initial Decision at 2. On that same date, the Agency sent Respondent a Notice of Verification, which requested documentation from R.W. verifying Respondent's living arrangement, which was to be provided by February 24, 2025. See Initial Decision at 3; see also Exhibit P-1 at 23. On March 10, 2025, R.W. submitted a verification letter to the Agency, stating that Respondent was his girlfriend, and that she and her two minor children were residing with him, and that, beginning March 1, 2025, Respondent was responsible for a rental contribution of \$500 per month, as well as a utility contribution of \$150 per month. See Initial Decision at 3; see also Exhibit P-1 at 31.

Thereafter, on March 15, 2025, the Agency notified Respondent that her SNAP application was denied, effective February 21, 2025, due to her failure to provide proof that her Florida SNAP case had closed, and due to Respondent failing to



add R.W. to her SNAP case. See Initial Decision at 3; see also Exhibit P-1 at 25. Respondent was advised that she could submit additional information by April 13, 2025, in order for her case to be further reviewed. Ibid. On March 24, 2025, Respondent emailed the Agency to inform them that her dating relationship with R.W. had ended as of March 14, 2025, and that she was only residing with him until she could find housing for herself and her children. See Initial Decision at 3; see also Exhibit P-1 at 32. Respondent included information that she and R.W. were not sharing any resources or food and that her application for benefits was only on behalf of herself and her two minor children. Ibid. On April 11, 2025, the Agency approved Respondent for SNAP benefits for a household of three. See Initial Decision at 4.

On the same date that Respondent was approved for SNAP benefits, the Agency initiated a fraud investigation regarding Respondent's household composition. See Initial Decision at 4; see also Exhibit P-1 at 2. The Agency's fraud investigator reviewed the public social media profiles of both Respondent and R.W. and discovered documentation of a dating relationship from June 10, 2024 to the present. See Initial Decision at 4; see also Exhibit P-1 at 36-53. On May 19, 2025, the Agency investigator contacted Respondent by phone to discuss her relationship with R.W., at which time Respondent stated their dating relationship was "inconsistent," however, Respondent did indicate that she and her children continued to reside with R.W. at his home. See Initial Decision at 4. Based upon the review of social media, the telephone conversation, and the March 24, 2025 letter from Respondent, the Agency determined that she had intentionally misled the Agency regarding her household composition in order to obtain SNAP benefits. Ibid.

At the time of the hearing, Respondent testified that R.W. had allowed Respondent and her two children to reside with him, as well as admitting that they purchase food and share meals as a household. See Initial Decision at 5. Further, Respondent admitted that she misspoke when she informed the Agency investigator that she was not in a dating relationship with R.W. Ibid.

Based upon the foregoing, the ALJ found that R.W. must be considered a member of Respondent's household when determining her eligibility for SNAP benefits. See Initial Decision at 6. Further, the ALJ found that the Agency provided SNAP benefits to Respondent based upon her email that she was not sharing resources, including food, with R.W. but rather than verifying the household composition pursuant to 10:87-2.19 or -2.27(c)(3), the Agency instituted a fraud investigation. See Initial Decision at 6.

Accordingly, based upon the record presented, the ALJ concluded that there is no proof that Respondent misrepresented, concealed, or withheld facts in order to obtain SNAP benefits, as based upon Respondent's testimony, the March 24, 2025 email contained inaccurate information about Respondent's relationship with R.W., however, the ALJ did not find that such email constituted sufficient proof of an IPV. See Initial Decision at 7. The ALJ also expressed that approving SNAP benefits the same date as initiating a fraud investigation was "disingenuous" on the part of the Agency and that the Agency could have requested further verification of separate households prior to the approval of benefits. Ibid. As such, the ALJ concluded that the Agency never required Respondent to verify her separate household claim and, under the circumstances presented, there can be no finding of an IPV. Ibid. However, the ALJ did conclude that Respondent should have included R.W. as a household member, and that Respondent remains responsible for any overpayment of SNAP benefits, regardless of the underlying cause. See Initial Decision at 7. Based on an independent review of the record, I agree with the ALJ's conclusions in this matter.

Exceptions to the Initial Decision were filed by the Agency on September 4, 2025.

As Assistant Commissioner, 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. See 7 C.F.R. 273.16(e)(6).

By way of comment, I have reviewed the Exceptions submitted on behalf of the Agency, and I find that the arguments made therein do not alter my decision in this matter.

By way of further comment, R.W. must be added to Respondent's SNAP case as expeditiously as possible and his income must be included for the household to determine whether or not the household remains eligible for SNAP benefits, and if so, the proper amount of same. If the exclusion of R.W. to Respondent's SNAP case results in an overissuance, I hereby order that the Agency recoup the amount of overissued benefits.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and REVERSE the Agency's determination as to the IPV and attendant disqualification penalty. The Agency is further ordered to recoup any overissued benefits stemming from Respondent's failure to include R.W. on her SNAP case.



Officially approved final version. October 23, 2025

Natasha Johnson
Assistant Commissioner

