



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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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 **04127-25 H.P.**

AGENCY DKT. NO. **C180605015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency charges Respondents, T.N. and H.P. (docketed separately under Office of Administrative Law ("OAL") Docket No. HPW 04126-25 (T.N.) and OAL Docket No. HPW 04127-25 (H.P.), respectively), 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 asserts that Respondents intentionally failed to accurately report receipt of earned self-employment income while they received SNAP benefits, thus causing Respondents to receive an overissuance of benefits to which they were not entitled, and which must be repaid. Respondents were properly noticed of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalty, via Certified Mail with Return Receipt Requested, on February 24, 2025, which receipt was confirmed by the Agency investigator via telephone call. See Exhibit P-1; see also N.J.A.C. 10:87-11.5(a)(3)(i) and 7 C.F.R. 273.16(e)(3)(i). Because Respondents failed to execute and return the waiver of their right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. On March 28, 2025, the Honorable Sarah Surgent, Administrative Law Judge ("ALJ"), held a prehearing conference and adjourned the two matters until April 11, 2025, so that they could be consolidated. See Initial Decision at 2. ALJ Surgent was unavailable on April 11, 2025, and the matter was adjourned and reassigned. *Ibid.* On April 25, 2025, at the commencement of the hearing, the Honorable Advia Knight Foster, Administrative Law Judge ("ALJ"), consolidated Respondents' separate matters. See N.J.A.C. 1:1-17.3(a). Also on that date, ALJ Knight Foster held a plenary hearing, took testimony, and admitted documents. The record was held open for the submission of post-hearing briefs, and closed on April 28, 2025.

Procedurally, it should be noted that on October 30, 2023, the Honorable Dean J. Buono, ALJ, issued an Initial Decision in T.N. v. Ocean County Board of Social Services, OAL Dkt. No. HPW 08575-23, which resulted in a Final Decision of January 4, 2024, finding that T.N. had received \$2,292 in SNAP benefits, due to an inadvertent household error, to which she was not entitled. See Initial Decision at 2; see also Exhibit P-4. Thereafter, on February 6, 2025, the Agency notified Respondents they were accused of an IPV. See Initial Decision at 2; see also Exhibit P-1.

On May 16, 2025, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondents had deliberately and intentionally withheld information from the Agency, which resulted in Respondents receiving an overissuance of SNAP benefits, to which they were not entitled. See Initial Decision at 3-5; see also Exhibits P-2, P-3, P-4, P-5, P-6, and 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). IPV's 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 ALJ found that Respondents intentionally failed to accurately report their employment, receipt of earned self-employment income, as well as a business bank account, at the time of their SNAP applications during September 2022, which would have made



their household ineligible to receive SNAP benefits. See Initial Decision at 3-4; see also Exhibits P-2, P-3, P-5, P-6, and N.J.A.C. 10:87-5.2(a)(1), -9.5(a)(3). Such misrepresentations of earned income received resulted in an overissuance of SNAP benefits to Respondents in the amount of \$2,292.00 for the period of September, 2022 through December, 2022. See Initial Decision at 3-4; see also Exhibits P-2, P-3, P-5.

As this was the first IPV committed by Respondents, 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 5; see also 7 C.F.R. 273.16(b)(1)(i).

No Exceptions to the Initial Decision were filed.

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).

I direct that the Agency proceed to recoup the overissuance pursuant to N.J.A.C. 10:87-11.20 and 7 C.F.R. 273.18.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondents are 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. May 30, 2025

Natasha Johnson
Assistant Commissioner

