



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **03718-25 M.J.**

AGENCY DKT. NO. **C174845015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency charges Respondents, A.V. and M.J. (docketed separately under Office of Administrative Law ("OAL") Docket Nos. HPW 03717-25 (A.V.) and OAL Docket No. HPW 03718-25 (M.J.), 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 income while they received SNAP benefits, thus causing Respondents to receive an overissuance of benefits to which they were not entitled. Respondents were properly noticed of the Administrative Disqualification Hearing, the charges against them, and the proposed disqualification penalty, via personal service, on January 13, 2025. 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). See Exhibit P-1. 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, at the commencement of the hearing, the Honorable Gauri Shirali Shah, Administrative Law Judge ("ALJ"), consolidated Respondents' separate matters. See N.J.A.C. 1:1-17.3(a). Also on that date, ALJ Shirali Shah held a plenary hearing, took testimony, admitted documents, and the record closed. Respondents did not appear for the hearing, and the matter proceeded ex parte, which is permissible pursuant to regulation. See N.J.A.C. 1:10-14.1(d), N.J.A.C. 10:87-11.5(a)(4)(i), and 7 C.F.R. 273.16(e)(4). Respondents were given ten days following the hearing, to present good cause for their failure to appear. Ibid. Respondents did not respond.

On April 1, 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 4-6; see also Exhibits P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, 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 receipt of earned income at the time of their SNAP applications during August 2021, and July 2023, as well as on several Interim Reporting Forms ("IRFs") during November 2021, January 2024, and May 2024, 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-4, P-5, P-6, P-7, P-8, P-9, and N.J.A.C. 10:87-5.2(a)(1), -9.5(a)(3). Further, Respondents submitted employer letters from A.V.'s employer during January 2022, and July 2023, which misrepresented and underreported her income by as much as double to triple her actual salary. See Initial Decision at 4; see also Exhibits P-4, P-5, P-6, P-7. Such misrepresentations of earned income received resulted in an overissuance of SNAP benefits to Respondents in the amount of \$11,973.98 for the period of August, 2021 through October, 2024. See Initial Decision at 5-6; see also Exhibits P-2, P-9.



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 5-6; 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 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. April 22, 2025

Natasha Johnson
Assistant Commissioner

