



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 **18009-24 A.B.**

AGENCY DKT. NO. **C149296020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

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, of the Supplemental Nutrition Assistance Program ("SNAP"). The Agency asserts that Respondent improperly and intentionally misused his SNAP benefits from January 2024 through July 2024. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalty, via USPS Certified Mail Return Receipt Requested, on November 21, 2024. See Exhibit P-5; see also N.J.A.C. 10:87-11.5(a)(3)(i) and 7 C.F.R. 273.16(e)(3)(i). Petitioner personally signed for the Notice. See Exhibit P-6. Because Respondent failed to execute and return the waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. On January 7, 2025, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents, and the record closed. Respondent 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). Respondent was given ten days following the hearing, to present good cause for his failure to appear. See 7 C.F.R. 273.16(e)(4). Respondent did not respond. On January 17, 2025, the ALJ issued an Initial Decision, finding that Respondent had committed an IPV, and ordering that Respondent be disqualified from receiving SNAP benefits for a period of 12 months.

An IPV consists of having intentionally committed any act that constitutes a violation of the NJ SNAP program rules, for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of benefits. See N.J.A.C. 10:87-11.3(a)(2) and 7 C.F.R. (c)(2). An ALJ shall base the finding of an IPV on clear and convincing evidence which demonstrates that the household member committed, and intended to commit, an IPV. See N.J.A.C. 10:87-11.5(a)(6), 7 C.F.R. 273.16(c)(1) and 7 C.F.R. 273.16(e)(4).

The ALJ's Initial Decision found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondent had attempted to repeatedly participate in the transferring of his SNAP benefits, likely for the receipt of cash, at two separate retail locations during the months of January 2024 through July 2024. See Initial Decision at 3; 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). The Agency had been alerted, via email, of allegations that Petitioner was selling his SNAP benefits for cash, in specific amounts, which led to the Agency to investigate Respondent's SNAP usage. See Initial Decision at 3. The Agency presented a voluminous transaction history noting significant suspicious purchase activity at two small retailers where Respondent had made numerous purchases with his electronic benefits card ("EBT") in single, or consecutive, days, for amounts that exceeded typical purchases at such locations noting that such activity would occur within the first week of his monthly SNAP benefits issuance. Id. at 3-4; see also Exhibits P-2, P-3. Respondent repeatedly failed to appear for interviews with the Agency to explain his transaction history. See Initial Decision at 4. Upon consideration of the Agency's testimonial and documentary evidence,



the ALJ found that Respondent intentionally engaged in suspicious transactions that supported the Agency's theory that he sold or exchanged his SNAP benefits for cash, thus committing an IPV. See Initial Decision at 6-7. I agree.

Based upon the ALJ's finding, that Respondent had committed an IPV, pursuant to the applicable regulatory authority, thereby warranting disqualification from the receipt of SNAP benefits, 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). Id. at 8; see also 7 C.F.R. 273.16(b)(1)(i). I agree.

Additionally, at the hearing before the ALJ, the Agency asserted that Respondent was overissued SNAP benefits for the fraudulent transactions. See Initial Decision at 4. However, the ALJ pointed out that none of the advance notices sent to Respondent asserted an overissuance, nor was any calculation provided in the documentary evidence to establish what the amount of overissuance in fact was. Ibid. As such, the ALJ stated that the Initial Decision was limited solely to establishing if an IPV had been committed and the appropriate period of disqualification for said IPV. Id. at 4-5. However, the ALJ noted that the Agency was without prejudice to seek recoupment of the overissuance upon proper notice to Respondent of same. Id. at 5. I also agree.

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).

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. February 11, 2025

Natasha Johnson
Assistant Commissioner

