



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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*Lt. Governor*

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 15528-25 A.R.

AGENCY DKT. NO. C263723020 (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(c), of the Supplemental Nutrition Assistance Program ("SNAP"), and seeks to impose a 10-year disqualification period from receipt of SNAP benefits against Respondent. The Agency asserts that Respondent improperly and intentionally misused her SNAP benefits, as well as that she received SNAP benefits from another state, while simultaneously receiving SNAP benefits from the State of New Jersey, 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 personal service, on July 7, 2025. See Exhibit P-4; 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 ("OAL") for a hearing as a contested case. On September 12, 2025 the Honorable Marianne B. Ortega, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then 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 her failure to appear. See 7 C.F.R. 273.16(e)(4). Respondent did not respond. On September 25, 2025 the ALJ issued an Initial Decision, finding that an IPV had been established, and imposing the 10-year disqualification penalty sought by the Agency.

In accordance with applicable regulatory authority, a SNAP benefits household must reside in the county and State in which it files for benefits, and may not collect SNAP benefits from more than one location simultaneously. See N.J.A.C. 10:87-3.2(a); see also 7 C.F.R. 273.3. Additionally, SNAP benefits households are required to report certain changes within 10 days which can affect eligibility and/or allotment amount, including a change in residence. See N.J.A.C. 10:87-9.5(a)(2), (b)(1)(iv); see also 7 C.F.R. 273.12.

IPVs occur when SNAP benefits are issued as the result of an intentionally false or misleading statement, misrepresentation, concealment or withholding of facts, or when SNAP benefits are improperly used, presented, transferred, acquired, possessed, received or trafficked. See N.J.A.C. 10:87-11.3(a)(1), (2); see also 7 C.F.R. 273.16. An individual found to have made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple SNAP benefits simultaneously shall be ineligible to participate in the program for a period of 10 years. See N.J.A.C. 10:87-11.2(e); see also 7 C.F.R. 273.16(b)(5).

Here, the ALJ found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondent had deliberately and intentionally misrepresented information to the Agency, which resulted in Respondent



receiving an overissuance of SNAP benefits, to which she was not entitled. See Initial Decision at 2-5. Specifically, the ALJ found that Respondent intentionally did not disclose to the Agency that she had received SNAP benefits from the State of New York, while also simultaneously collecting SNAP benefits from the State of New Jersey, during the period of March, 2024 through January, 2025 which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$3,205. Id. at 3; see also Exhibits P-1, P-2, P-3; and N.J.A.C. 10:87-3.2, -3.3, -11.3(a), -11.5(a)(6), and 7 C.F.R. 273.16(c)(1), 7 C.F.R. 273.16(e)(6). I agree.

Additionally, because Respondent was found to have made a fraudulent statement or representation regarding her place of residence in order to receive SNAP benefits from two states at the same time, the ALJ concluded that Respondent is ineligible to participate in the SNAP program for ten (10) years pursuant to N.J.A.C. 10:87-11.2(e). See Initial Decision at 4; see also N.J.A.C. 10:87-3.18, 7 C.F.R. 273.16(b)(5). I also agree.

Finally, the Initial Decision makes reference to General Assistance ("GA") benefits being paid concurrently within New Jersey and New York, however, the record does not indicate that the Agency provided Respondent with any notice of the alleged claim for cash assistance, nor with an adequate opportunity to defend its purported actions and moreover, a GA overissuance was not a transmitted issue. An action, seeking a finding of an IPV, may only be brought by conducting an administrative disqualification hearing. See N.J.A.C. 10:90-11.1 et seq. Such actions have a specific procedural process which must be followed, including advance notice of the hearing at least 30 days prior to the scheduled hearing date, and with service of said notice by certified mail return receipt requested. See N.J.A.C. 10:90-11.5(f). This procedure is mandatory and cannot be omitted, as it ensures that due process is afforded prior to the finding of an IPV and the imposition of the attendant periods of disqualification from participation in the Work First New Jersey ("WFNJ") program. See N.J.A.C. 10:90-11.11(a). The Agency may still pursue an Intentional Program Violation claim for the WFNJ/ GA matter, without prejudice, should proper notice be provided. The Initial Decision is modified to reflect this finding.

Based on the foregoing, I direct that the Agency proceed to recoup the SNAP overissuance in the amount of \$3,205, pursuant to N.J.A.C. 10:87-11.20 and 7 C.F.R. 273.18. The Initial Decision is further modified to reflect the SNAP recoupment alone.

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 hereby MODIFY the Findings of Fact and Conclusion of Law in this matter, as outlined above. See 7 C.F.R. 273.16(e)(6).

Accordingly, based upon the foregoing, the Initial Decision in this matter is MODIFIED, as outlined above, and I ORDER that Respondent is disqualified from receipt of SNAP benefits for a period of 10 years. I further ORDER and direct the Agency to recoup the SNAP benefits overissuance pursuant to N.J.A.C. 10:87-11.20 and 7 C.F.R. 273.18.

Officially approved final version.      October 22, 2025

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Natasha Johnson  
Assistant Commissioner

