



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Commissioner*

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*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 **17165-24 C.D.**

AGENCY DKT. NO. **C120182020 (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 her SNAP benefits from September, 2022 through February, 2023. Respondent was properly noticed of the Administrative Disqualification Hearing ("ADH"), the charges against her, and the proposed disqualification penalty, via USPS Certified Mail Return Receipt Requested, on October 10, 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). 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 December 13, 2024, the Honorable Andrew M. Baron, 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 her failure to appear. See 7 C.F.R. 273.16(e)(4). Respondent did not respond. On May 1, 2025, the ALJ issued an Initial Decision, finding that Respondent had committed an IPV, and ordering that Respondent be permanently disqualified from receiving SNAP benefits.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and the record in this matter, and hereby MODIFY the ALJ's Initial Decision, as discussed below.

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 her SNAP benefits, likely for the receipt of cash, on multiple instances at a single retail location during the months of September, 2022 through February, 2023. 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 presented a transaction history noting significant suspicious purchase activity at a retailer where Respondent had made numerous purchases with her electronic benefits card ("EBT"), for large amounts that exceeded typical purchases at such locations. Id. at 3-4; see also Exhibits P-1, P-2, P-3. Respondent repeatedly failed to appear for interviews with



the Agency to explain her transaction history. See Initial Decision at 3. 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 she sold or exchanged her SNAP benefits for cash, thus committing an IPV. See Initial Decision at 4. I agree.

While I agree with the ALJ's finding, that Respondent committed an IPV of the SNAP program by trafficking her SNAP benefits, thereby warranting disqualification from the receipt of SNAP benefits, I disagree with the imposition of a permanent disqualification against Respondent, for the following reasons. See Initial Decision at 4; see also 7 C.F.R. 273.16(b)(1)(i). Pursuant to regulatory authority, only individuals convicted by a Federal, state or local court of having trafficked benefits for an aggregate amount of \$500.00 or more, shall be permanently ineligible to participate in the SNAP program. See N.J.A.C. 10:87-11.2(d) (emphasis added). Here, at the conclusion of the December 13, 2024 ADH, Respondent was found to have committed an IPV, and therefore, is subject to the disqualification penalties individuals receive when they have been found to have committed an IPV, as the result of an ADH, not a criminal prosecution. See N.J.A.C. 10:87-11.2(a). Based upon my independent review of the record, and since this is Respondent's first IPV, I find that Respondent shall not be permanently disqualified from the receipt of SNAP benefits, but shall be disqualified for a period of 12 months. See N.J.A.C. 10:87-11.2(a)(1). The Initial Decision is modified to reflect these findings.

Accordingly, I hereby MODIFY the Initial Decision in this matter, based upon the discussion above, and ORDER that Respondent is ineligible to participate in SNAP for a period of 12 months. I further ORDER that the Agency is to recoup the improperly transferred or trafficked benefits.

Officially approved final version. May 16, 2025

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Natasha Johnson  
Assistant Commissioner

