



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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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 **00205-25 C.H.**

AGENCY DKT. NO. **C282051020 (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 intentionally provided misleading, false, or inaccurate information in order to obtain benefits in Union County, at the time of his application, and while he received SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which he was not entitled. 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 22, 2024. See Exhibit P-7; 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 his right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. On January 17, 2025, 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 time 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 22, 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.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the Initial Decision and the record in this matter, and hereby MODIFY the ALJ's Initial Decision, based on the discussion below. See 7 C.F.R. 273.16(e)(6).

Here, the record shows that DFD referred this matter for fraud investigation to the Agency following receipt of an anonymous email alleging that Respondent did not reside within the county where he was receiving SNAP benefits. See Exhibit P-1. Following the email allegation, the Agency sent Respondent an Appointment Notice to meet on August 8, 2024, to discuss the suspected IPV. See Initial Decision at 2. Respondent failed to appear, however, the Agency was contacted by Respondent's father, who informed them that his son was improperly using his address in Union County, when in fact his son resided in Passaic County. Ibid.; see also Exhibits P-3, P-5. Respondent's father provided Agency representatives with his son's address in Passaic County for further correspondence. See Initial Decision at 2.

The ALJ found, within the Initial Decision, that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondent had deliberately and intentionally withheld information from the Agency, which resulted



in Respondent receiving an overissuance of SNAP benefits to which he was not entitled. Id. 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). Specifically, the ALJ found that Respondent did not properly identify the address where he resided. See Initial Decision at 3. Such misrepresentation resulted in an overissuance of SNAP benefits to Respondent in the amount of \$3,035 for the period of May 2023 through August 2024. See Exhibits P-4, P-5. While I agree with the ALJ, that the Respondent committed a SNAP IPV, and the ALJ's order that Respondent is to repay the full amount of the overissuance, the Initial Decision is modified to reflect the proper basis for the SNAP IPV as Respondent's fraudulent use of his father's address, rather than Respondent's failure to report earned income, and is further modified to reflect the proper amount of the SNAP overissuance to be \$3,035, as well as the correct months of the overissuance. See Initial Decision at 2-4; see also Exhibit P-5.

As this was the first IPV committed by Respondent, 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 also 7 C.F.R. 273.16(b)(1) (i)). See Initial Decision at 4; see also N.J.A.C. 10:90-11.11(a)(1). I agree.

By way of comment, the Initial Decision in this matter references an overissuance of Work First New Jersey/General Assistance ("WFNJ/GA") benefits to Respondent, however, the documentary evidence in the record did not provide notice regarding that issue, nor notice or information regarding the potential program disqualification for an IPV of the WFNJ/GA program. As such, this Final Agency Decision is limited solely to the SNAP IPV.

Accordingly, based upon the foregoing, I hereby MODIFY 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 of SNAP benefits. See N.J.A.C. 10:87-11.20; see also 7 C.F.R. 273.18.

Officially approved final version. February 11, 2025

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Natasha Johnson  
Assistant Commissioner

