



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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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 02531-25 D.D.

AGENCY DKT. NO. C060764020 (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 received SNAP benefits simultaneously from two counties within 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 USPS Certified Mail Return Receipt Requested, mailed on December 20, 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). On January 24, 2025, receipt of such notice was confirmed via telephone by the Agency investigator. See Exhibit P-5. 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 February 28, 2025 the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. On March 3, 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 6-7. Specifically, the ALJ found that Respondent intentionally applied for, and received, SNAP benefits in Middlesex County, while still collecting SNAP benefits in Union County, during the periods of August 2023 through December 2024, which resulted in



an overissuance of SNAP benefits to Respondent in the amount of \$1,722. Id. at 2-4, 6-7; see also Exhibits P-1, P-2, P-3, P-4, 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 counties at the same time, the ALJ concluded that Petitioner 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 7; see also N.J.A.C. 10:87-3.18, 7 C.F.R. 273.16(b)(5). I also agree.

Notably, with respect to a matter alleging an IPV, the Agency is responsible for initiating an administrative disqualification hearing. See N.J.A.C. 10:87-11.1. Accordingly, as the Agency is the party requesting relief in an IPV case, it is the "Petitioner." See N.J.A.C. 1:1-2.1, "Definitions." Conversely, the party responding to the Agency's request for relief in an IPV case is the "Respondent." Ibid. Here, D.D., was incorrectly referred to as "Petitioner," when she was, in fact, the Respondent. The Agency was incorrectly referred to as "Respondent" throughout the Initial Decision, when it should be have referred to as Petitioner. This Initial Decision is modified so as to reflect the correct designation of the parties.

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, while I concur with the ALJ's Findings of Fact and Conclusion of Law in this matter, I am MODIFYING the Initial Decision, based upon the discussion above. See 7 C.F.R. 273.16(e)(6).

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 10 years. I further ORDER and direct the Agency to recoup the overissuance pursuant to N.J.A.C. 10:87-11.20 and 7 C.F.R. 273.18.

Officially approved final version. March 14, 2025

Natasha Johnson
Assistant Commissioner

