



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **01554-25 J.M.**

AGENCY DKT. NO. **C247676020 (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 states, 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, sent on December 6, 2024. See Exhibit P-6; see also N.J.A.C. 10:87-11.5(a)(3)(i) and 7 C.F.R. 273.16(e)(3)(i). Petitioner acknowledged the correct date, time and call-in instructions for the hearing via telephone on January 21, 2025. Ibid. 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 7, 2025 the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. On February 25, 2025 the ALJ issued an Initial Decision, finding that an IPV had been established, but that a 12-month disqualification penalty was warranted, rather than the 10-year disqualification penalty sought by the Agency.

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, and hereby MODIFY the ALJ's Initial Decision, based on the discussion below. See 7 C.F.R. 273.16(e)(6).

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 record reflects that, through an interstate data match used to flag possible fraudulent activity, the Agency learned that Petitioner was receiving SNAP benefits from two states at the same time, specifically from New Jersey ("NJ") and North Carolina ("NC"), during the period from June 2023, through April 2024, resulting in an overissuance of SNAP benefits in the amount of \$5,809. See Initial Decision at 2-3; see also Exhibits P-1, P-2, P-3, P-5; and 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 ALJ in this matter found that Respondent did not report that she resided at different residences, in different states, while receiving SNAP benefits from each state. Ibid. Respondent, at the time of the hearing, did not dispute that she resided in NC while receiving SNAP benefits from NJ. See Initial Decision at 3; see also Exhibit P-5. Further, the ALJ found credible the records produced from the counties within NC, verifying benefits were paid to Respondent as a NC resident. See Initial Decision at 4; see also Exhibit P-3. The ALJ in this matter found that the Agency had proven, by clear and convincing evidence, that Respondent concurrently received SNAP benefits from NJ and NC for over a year, and that she had intentionally failed to notify the Agency of her change in residence and her obtaining benefits in another state. See Initial Decision at 4-5.

With respect to the appropriate disqualification penalty, the Agency maintained that regulatory authority mandated a 10-year period of disqualification from receipt of SNAP benefits. See Initial Decision at 4; see also N.J.A.C. 10:87-11.2(e) and 7 C.F.R. 273.16(b)(5). The ALJ, however, opined that the evidence did not sufficiently demonstrate that Respondent had made an intentional fraudulent statement regarding her residence, in order to concurrently receive SNAP benefits in more than one county within NJ, but rather, that Respondent had received benefits from two different states. See Initial Decision at 5. On this basis, and 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, rather than the 10-year disqualification sought by the Agency. See Initial Decision at 5-6; see also N.J.A.C. 10:87-11.2(a)(1).

Based upon an independent review of the record, while I agree with the ALJ, that Respondent committed an IPV, I respectfully disagree with the ALJ's reading of the regulatory language, which is intended to prevent the receipt of duplicative SNAP benefits from two different locations - whether two counties within the same state, or from two different states. Respondent received SNAP benefits from NJ and NC simultaneously, thereby warranting a 10-year period of disqualification. See N.J.A.C. 10:87-11.2(e); see also 7 C.F.R. 273.16(b)(5). I find that Respondent made a fraudulent representation with respect to her residence, which allowed her to receive concurrent SNAP benefits from NJ and NC. See N.J.A.C. 10:87-11.2(e). Moreover, it is clear from the record that Respondent received, not only one or two months of concurrent, overlapping SNAP benefits from two different states, but more than a year of overlapping benefits. See Exhibits P-1, P-2, P-3. Based on the foregoing, I find that Respondent is ineligible to participate in the SNAP 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). The Initial Decision is modified to reflect these findings.

Based on the foregoing, the Initial Decision in this matter is hereby MODIFIED, based upon the discussion above. I further ORDER that Respondent is hereby disqualified from receipt of SNAP benefits for a period of 10 years. I also ORDER that the Agency is 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 04, 2025

Natasha Johnson
Assistant Commissioner

