



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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 **14433-24 J.R.**

AGENCY DKT. NO. **C282324020 (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"). The Agency asserts that Respondent intentionally failed to report receipt of earned income, while she received SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was sent notice of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via USPS Certified Mail Return Receipt Requested, on August 29, 2024. See Exhibit P-5. When the return receipt green card was not returned, on September 24, 2024, the Agency hand delivered the notice to Respondent's residence, leaving the documents with her mother. See Exhibit P-5. The Agency confirmed with Petitioner via telephone on October 11, 2024, that she received the documents left for her, with her mother, on September 24, 2024, and that she was aware of the date the hearing would take place. Ibid.; 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 October 25, 2024, the Honorable Aurelio Vincitore, Administrative Law Judge ("ALJ,") held a plenary hearing, took testimony, admitted documents, and the record closed.

On November 15, 2024, the ALJ issued an Initial Decision, which found 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 she not entitled. 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), (2), and 7 C.F.R. 273.16(e)(4). Specifically, the ALJ found that Respondent intentionally failed to report receipt of earned income, in the form of rental income received beginning January 21, 2024, which would have made her household ineligible to receive SNAP benefits. See Initial Decision at 3; see also Exhibit P-2 and N.J.A.C. 10:87-5.2(a)(1), -9.5(a)(2). On January 25, 2024, the Agency received a fraud investigation referral suggesting that Respondent may have a tenant living at her residence. See Initial Decision at 2, see also Exhibit P-1. Thereafter, the Agency interviewed Respondent on April 18, 2024, at which time Respondent signed an affidavit stating that she had a renter paying \$1,000 rent per month, as well as stating that the father of her child pays her direct child support. See Exhibits P-2, P-3. Such misrepresentations resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,258 for the period of January, 2024, through April, 2024. See Exhibits P-3, P-4.

Based upon the April 18, 2024 affidavit, the Agency became aware that Respondent also received direct child support payments, which were not properly reported, however, the ALJ found that the Agency had not met its burden to establish such income by clear and convincing evidence, as there was no proof offered as to when payments began and the



frequency of such payments. 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), (2), and 7 C.F.R. 273.16(e)(4).

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 Initial Decision at 3; see also 7 C.F.R. 273.16(b)(1)(i).

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 concur with the ALJ's decision, and hereby adopt the Findings of Fact and Conclusion of Law in this matter. See 7 C.F.R. 273.16(e)(6).

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

Accordingly, based upon the foregoing, I hereby ADOPT 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.

Officially approved final version. January 09, 2025

Natasha Johnson
Assistant Commissioner

