



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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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 **16786-24 S.C.**

AGENCY DKT. NO. **C073465020 (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 failed to report the receipt of earned income by her household, at the time of her application and while she received SNAP benefits, 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, on October 19, 2024. See Exhibit P-4; see also N.J.A.C. 10:87-11.5(a)(3)(i) and 7 C.F.R. 273.16(e)(3)(i). Petitioner personally signed for the Notice. 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 for a hearing as a contested case. On December 20, 2024, the Honorable Nanci G. Stokes, 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 December 31, 2024, 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, 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 ALJ 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 6; 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 ALJ found that Respondent failed to accurately report the income of her adult child, M.C., which resulted in the overissuance of SNAP benefits during the periods of April 2020 through September 2020, January 2021 through May 2023, and July 2023 through January 2024. See Initial Decision at 3; see also Exhibit P-1. The record reflects that Respondent applied for SNAP benefits for a household of three, which included herself, her adult daughter, and her minor grandchild. Ibid.; see also Exhibit P-3. The ALJ found that Respondent had intentionally failed to report receipt of household earned income, both at the time of her SNAP application, as well as during her SNAP recertification in April 2023 and during her recertification interview during



September 2023, which would have made her household ineligible to receive SNAP benefits. Ibid.; see also N.J.A.C. 10:87-5.2(a)(1), -9.5(a)(3) and 7 C.F.R. 273.16(c)(1). Such misrepresentations resulted in an overissuance of SNAP benefits to Respondent in the amount of \$18,972 for the periods of April 2020 through September 2020, January 2021 through May 2023, and July 2023 through January 2024. See Initial Decision at 6; see also Exhibit P-1.

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 6; see also 7 C.F.R. 273.16(b)(1)(i).

While I agree with the ALJ's finding, that Respondent committed an IPV of the SNAP program, thereby warranting disqualification from the receipt of SNAP benefits, based upon my independent review of the record, I further find that pursuant to regulatory authority, Respondent must repay to the Agency, the amount of overissued SNAP benefits that she received, and was not entitled to. See N.J.A.C. 10:87-11.20 and 7 C.F.R. 273.18. Accordingly, I am directing the Agency to recoup the overissued SNAP benefits paid to Respondent, in the total amount of \$18,972. See Exhibit P-1. The Initial Decision is modified to reflect this finding.

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 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.

Officially approved final version. January 17, 2025

Natasha Johnson
Assistant Commissioner

