



State of New Jersey

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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 **18007-24 S.S.**

AGENCY DKT. NO. **C158296020 (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 misrepresented his household composition 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 Certified Mail, on November 21, 2024. See Exhibit P-8; 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. The initial hearing in this matter was scheduled for January 3, 2025, however, as Respondent failed to appear, the matter was rescheduled for February 11, 2025. On February 11, 2025, Respondent appeared telephonically before the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), at which time he requested an adjournment, stating that his sole witness was his son, M.S., who was engaged in basic training with the military and unavailable to testify on that date. See Initial Decision at 2. The matter was adjourned and on June 13, 2025, ALJ Bongiovanni held a plenary hearing, took testimony, admitted documents, and the record was 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 his failure to appear. See 7 C.F.R. 273.16(e)(4). Respondent did not respond. On June 25, 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.

In this matter, 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 he was not entitled. See Initial Decision at 2-5; see also Exhibits P-1, P-3, P-4, P-6, 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). Specifically, the ALJ found that Respondent had deliberately and intentionally withheld information from the Agency, by failing to accurately report that his son, M.S., no longer lived in his household, but rather, resided at his mother's residence pursuant to a Court Order granting her residential custody of the child. See Initial Decision at 2-5, see also Exhibits P-1, P-3, P-4, P-5, P-6. Such withholding of information regarding Respondent's household composition, on several occasions, resulted in Respondent receiving an overissuance of SNAP benefits, to which he was not entitled. See Initial Decision at 2-5; see also Exhibits P-1, P-4, and N.J.A.C. 10:87-5.2(a)(1), -9.5(a)(3), -11.5(a)(6) and 7 C.F.R. 273.16(c)(1). Accordingly, the ALJ found that Respondent committed a SNAP IPV by concealing and withholding information regarding his household size and composition. See Initial Decision at 5. I agree.



IPVs occur where the person intentionally “made a false or misleading statement, or misrepresented, concealed or withheld facts.” See N.J.A.C. 10:87-11.3 and 7 C.F.R. 273.16(c). Such misrepresentations in this matter resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,513.15 for the period of May, 2023 through March, 2024. See Initial Decision at 5; see also Exhibit P-6.

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 5; 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 recoup the overissuance.

Officially approved final version. July 10, 2025

Natasha Johnson
Assistant Commissioner

