



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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STEPHEN CHA, MD, MHSR
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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 **03080-26 A.M.**

AGENCY DKT. NO. **C811423007 (ESSEX COUNTY DEPT. OF CITIZEN 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 improperly and intentionally misused her SNAP benefits during November, 2022 and December, 2022. Respondent was properly noticed of the Administrative Disqualification Hearing ("ADH"), the charges against her, and the proposed disqualification penalty, on February 17, 2026. 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). 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 March 9, 2025, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents, and the record closed. Respondent appeared for hearing, however, she disconnected from the call prior to the conclusion of 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 March 20, 2026, 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 twelve months.

An IPV consists of having intentionally committed any act that constitutes a violation of the NJ SNAP program rules, for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of benefits. See N.J.A.C. 10:87-11.3(a)(2) and 7 C.F.R. (c)(2). An ALJ shall base the finding of an IPV on clear and convincing evidence which demonstrates that the household member committed, and intended to commit, an IPV. See N.J.A.C. 10:87-11.5(a)(6), 7 C.F.R. 273.16(c)(1) and 7 C.F.R. 273.16(e)(4).

The ALJ's Initial Decision found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondent had attempted to repeatedly participate in the transferring of her SNAP benefits, likely for the receipt of cash, on multiple instances at a single retail location during November, 2022, and December, 2022. See Initial Decision at 3-6; 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 Agency presented a transaction history noting suspicious purchase activity at a retailer, located several hours from Petitioner's residence, where Respondent had made numerous purchases with her electronic benefits card ("EBT") over the period of two months. *Id.* at 3-6; see also Exhibits P-1, P-2, P-3, P-4, P-5. Further, the Agency noted that Petitioner would have had to travel hours from her home to this particular mini market, rather than utilizing her SNAP benefits at closer retail locations. *Ibid.* The ALJ found that Respondent was interviewed by investigators about the allegations of SNAP benefits trafficking and she denied the transactions, however, she provided no additional information. See Initial Decision at 5. Upon consideration of the Agency's testimonial and documentary evidence, the ALJ found that Respondent intentionally



engaged in suspicious transactions that supported the Agency's theory that she sold or exchanged her SNAP benefits for cash, thus committing an IPV. See Initial Decision at 6-8. I agree. The IPV resulted in an overissuance of SNAP benefits to Respondent in the amount of \$1,492.19 for the period of November and December, 2022. See Initial Decision at 7; see also Exhibits P-1, P-5.

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 7; 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. April 01, 2026

Natasha Johnson
Assistant Commissioner

