



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 **03336-26 C.S.**

AGENCY DKT. NO. **C330033007 (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 his SNAP benefits from January, 2024, through May, 2024. Respondent was properly noticed of the Administrative Disqualification Hearing ("ADH"), the charges against him, and the proposed disqualification penalty. See Exhibit P-4, P-6, P-7, 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. On March 11, 2026, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was then held open to allow for the submission of additional legal memorandum from both parties and closed on March 16, 2026.

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).

On April 1, 2026, 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 attempted to repeatedly participate in the transferring of his SNAP benefits, likely for the receipt of cash, on multiple instances at a single retail location from January, 2024, through May, 2024. See Initial Decision at 2-6; see also Exhibits P-1A, P-1B, P-3A, P-5, and N.J.A.C. 10:87-11.3(a), -11.5(a)(6), 7 C.F.R. 273.16(c)(1), 7 C.F.R. 273.16(e)(4). The Agency presented a transaction history noting suspicious purchase activity at a retailer where Respondent had made numerous purchases with his electronic benefits card ("EBT"), for amounts that exceeded typical purchases at such location. See Initial Decision at 2-5; see also Exhibits P-1A, P-1B, P-3A, P-5. In addition, the retailer was investigated at the Federal level for SNAP benefits trafficking due to suspicious transactions, and subsequently lost their ability to accept SNAP benefits. *Ibid.* Based upon information gathered during the Federal investigation of the retailer, Respondent was then investigated over the course of several months. *Ibid.*

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 he sold or exchanged his SNAP benefits for cash and/or non-SNAP approved items, thus committing an IPV. See Initial Decision at 5-6. I agree. The IPV resulted



in an overissuance of SNAP benefits to Respondent in the amount of \$1,761.50 for the period of January, 2024 through May, 2024. See Initial Decision at 2; see also Exhibit P-1B.

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 5-6; 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 16, 2026

Natasha Johnson
Assistant Commissioner

