



State of New Jersey

MIKIE SHERRILL
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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STEPHEN CHA, MD, MHSR
Commissioner

DR. DALE G. CALDWELL
Lt. Governor

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 **07245-26 D.P.**

AGENCY DKT. NO. **C689749007 (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 from January, 2023, through June, 2023. Respondent was properly noticed of the Administrative Disqualification Hearing ("ADH"), the charges against her, and the proposed disqualification penalty. See Exhibit P-1; 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 May 12, 2026, the Honorable Marianne B. Ortega, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 29, 2026, the ALJ issued an Initial Decision, which found that the Agency had failed to meet 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 from January, 2023, through June, 2023. See Initial Decision at 3-5; see also Exhibit P-1, 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).

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).

Based upon the record presented, the ALJ in this matter concluded that there was no proof that Respondent had intentionally engaged in suspicious transactions that supported the Agency's theory that she sold or exchanged her SNAP benefits for cash and/or non-SNAP approved items, thus committing an IPV. See Initial Decision at 3-4. Accordingly, because the ALJ concluded that the Agency did not present clear and convincing evidence that Respondent had committed an IPV, the ALJ found that Respondent had not committed an IPV, and dismissed the Agency's action seeking to recover the overissuance and impose a disqualification period from receipt of SNAP benefits. See Initial Decision at 3-5; see also N.J.A.C. 10:87-11.5(a)(6) and 7 C.F.R. 273.16(c)(1). Based on an independent review of the record, I agree with the ALJ's conclusions in this matter.

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).

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter.

Officially approved final version. July 02, 2026

Natasha Johnson
Assistant Commissioner

