



# 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  
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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 **03340-26 K.C.**

AGENCY DKT. NO. **C417427007 (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 June, 2021, through November, 2021. Respondent was properly noticed of the Administrative Disqualification Hearing ("ADH"), the charges against her, and the proposed disqualification penalty. See Exhibits P-6, P-10, P-11; 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 18, 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 documentation and closed on March 19, 2026. 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.

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 2, 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 her SNAP benefits, likely for the receipt of cash, on multiple instances at a single retail location from June, 2021 through November, 2021. See Initial Decision at 2-6; see also Exhibit P-7, 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 her electronic benefits card ("EBT"), for amounts that exceeded typical purchases at such location. See Initial Decision at 2-5; see also Exhibit P-7. 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. 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 she sold or exchanged her 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 \$3,368.78 for the period of June, 2021 through November, 2021. See Initial Decision at 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 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).

The record further reflects that on December 30, 2025, Respondent entered into a repayment agreement with the Agency, whereby her current SNAP benefits are reduced in order to repay the amount due to the Agency. See Exhibit P-12A. In light of the 12-month disqualification period from receipt of SNAP benefits imposed through this Final Agency Decision, Respondent is advised to expeditiously contact the Agency to arrange for an alternate monthly payment method on the overissuance, otherwise collection by the Agency may occur through other means. See 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 to continue to recoup the overissuance.

Officially approved final version. April 22, 2026

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Natasha Johnson  
Assistant Commissioner

