



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

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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 **07540-24 D.I.**

AGENCY DKT. NO. **C162116015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP.") The Agency asserts that Respondent intentionally failed to report a change in household earned income, while receiving SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, return receipt requested, on April 19, 2024. See Exhibit P-1 at 1, 2-3. 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. *Id.* at 4-5. On June 10, 2024, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ,") held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. Respondent did not appear for the telephonic hearing, and the matter proceeded *ex parte*, which is permissible pursuant to our regulatory scheme. See N.J.A.C. 1:10-14.1(d). Respondent was given ten days after the hearing, to explain her failure to appear at the hearing, or otherwise submit additional documentation. Respondent did not respond, and nothing was received from Respondent.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and the record in this matter, and hereby MODIFY the ALJ's Initial Decision, based on the discussion below.

In the instance of an overpayment of SNAP benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. One type of overpayment which is subject to recoupment is one which results from an overpayment resulting from an individual committing an IPV. See N.J.A.C. 10:87-11.20(e)(1). Repayment of overissuances may be sought for up to six years following the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i).

Here, 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 she was not entitled. See Initial Decision at 5. Specifically, the ALJ found that Respondent intentionally failed to accurately report an increase in household earned income, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$4,631, for the period beginning April, 2023, through September, 2023. See Initial Decision at 2-3, 5; see also Exhibits P-2, P-3, P-4, P-5, and N.J.A.C. 10:87-5.4(a)(1), -9.5. I agree with the ALJ's finding.



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. I also agree.

While I agree with the ALJ's findings, that Respondent committed an IPV of the SNAP program, thereby warranting disqualification from the receipt of SNAP benefits, based upon my independent review of the record, I find that pursuant to regulatory authority, Respondent must repay to the Agency, the amount of overissued SNAP benefits that she received, and was not entitled to. See N.J.A.C. 10:87-11.20. Accordingly, I am directing the Agency to recoup the overissued SNAP benefits paid to Respondent, in the amount of \$4,631. See Exhibit P-2 at 1. The Initial Decision is modified to reflect this finding.

I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby MODIFY 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 recoup the overissuance.

Officially approved final version. July 17, 2024

Natasha Johnson
Assistant Commissioner

