



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director

Tel. (609) 588-2000

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 13676-14 A.B.

AGENCY DKT. NO. C061141 (MORRIS CO. DIV. EMP. & TEMP ASST PR)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program. The Agency asserts that Respondent failed to report earned income while the assistance unit was receiving SNAP benefits, thereby causing Respondent to receive 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. 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 December 18, 2014, the Honorable Joan Bedrin Murray, Administrative Law Judge ("ALJ"), held an administrative disqualification hearing, took testimony, and admitted documents into evidence. Respondent did not appear for the 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). Following conclusion of the hearing, the ALJ left the record open for ten days to allow Respondent to show good cause for her failure to appear, which she did not, and the record closed on December 29, 2014.

On January 7, 2015, the ALJ issued her Initial Decision, which found that the Agency had established, by clear and convincing evidence, that Respondent had intentionally withheld information from the Agency. See Initial Decision at 4. The ALJ found that the evidence presented established that Respondent had failed to report earned income to the Agency, thereby resulting in an overissuance of SNAP benefits from July 2013 to September 2013 in the amount of \$1085. See *id.* at 3; see also N.J.A.C. 10:87-5.2(a)(1). As this was the first IPV committed by Respondent, the

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ALJ acknowledged the mandatory regulatory penalty of a twelve month disqualification from receipt of SNAP benefits pursuant to N.J.A.C. 10:87-11.2(a)(1). See id. at 4.

No exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the Initial Decision in this matter, and following and independent evaluation of the record, I concur with the ALJ's findings that the Agency has met their burden and I hereby ADOPT the Initial Decision in this matter and ORDER the Agency to proceed with the recoupment of the overpayment in this matter pursuant to N.J.A.C. 10:87-11.20.

Accordingly, based upon the foregoing, the Initial Decision in this matter is ADOPTED.

FEB 18 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director