



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

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 18051-15 D.N.

AGENCY DKT. NO. GA149124 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's demand for a recoupment of an overissuance of her Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits and Work First New Jersey/ General Assistance ("WFNJ/GA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On December 3, 2015, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony and admitted documents into evidence.

On December 23, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination. The current overissuance stems from the termination of Petitioner's SNAP and sanctioning of his WFNJ/GA benefits on May 20, 2014, for failure to complete a Substance Abuse Initiative ("SAI") Program. See Initial Decision at 2. A Fair Hearing was then scheduled for July 3, 2014, but was not heard because the presiding judge was informed by the OAL that Petitioner had withdrawn his Fair Hearing request. *Ibid*; see also Exhibit R-1 at 14. The Fair Hearing was rescheduled for August 29, 2014; however, Petitioner called the Agency and requested that his hearing be withdrawn, as he was in compliance with his SAI. See Initial Decision at 2; see also Exhibit R-1 at 18. The Agency representative informed Petitioner that his withdrawal request was denied and advised him to attend the scheduled hearing. *Ibid*. Petitioner did not attend the hearing and the matter was referred to the Recovery Unit for a calculation of his overpayment issuance. See Initial Decision at 2-3. Subsequently, Petitioner requested this Fair Hearing on the overissuance calculation the Agency now seeks to recoup.

In his Initial Decision, the ALJ determined that the Recovery Unit properly calculated that Petitioner incurred an overpayment of WFNJ/GA in the amount of \$420.00 and SNAP overpayment in the amount of \$378.00. See Initial Decision at 4. Petitioner never disputed the amount of overpayment during the Fair Hearing and only argued that he was in compliance with his SAI. Id. at 3. Based on the evidence presented, the ALJ determined that Petitioner had not, in fact, been in compliance with the SAI, and as such, the sanction was proper and the Agency's recoupment appropriate. Id. at 10; see also N.J.A.C. 10:87-11.20. Therefore, the ALJ affirmed the Agency action. Ibid.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED.

JAN 11 2016

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director