



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
Director

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 12588-18 C.K.

AGENCY DKT. NO. C062743012 (MIDDLESEX COUNTY BD OF SOC SCVS)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") program. Petitioner Agency asserts that Respondent failed to report a change in household composition while receiving WFNJ/TANF benefits, thus causing her to receive an overissuance of benefits to which she was not entitled. Petitioner Agency seeks the imposition of a 6-month disqualification penalty from WFNJ/TANF benefits, and confirmation of the amount of overissued benefits Respondent received. On March 26, 2018, under Office of Administrative Law ("OAL") Docket Number HPW 01394-18, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), issued an Initial Decision finding that Respondent failed to report the removal of a member from the Supplemental Nutrition Assistance Program ("SNAP") household, while she received SNAP benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. In that matter, the ALJ concluded that Respondent committed an IPV, when she intentionally failed to report that D.K. was removed from the SNAP household and began living with a relative. Accordingly, the ALJ imposed the mandatory 12-month period of disqualification from SNAP benefits. On April 27, 2018, this office issued a Final Agency Decision ("FAD"), adopting the ALJ's Initial Decision and ordering the Agency to recoup the overissuance. The ALJ's March 26, 2018, Initial Decision and the April 27, 2018, FAD are incorporated by reference herein.

Thereafter, on June 8, 2018, Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail. See Exhibits P-1, P-2. 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. See Exhibit P-3. On September 8, 2018, the ALJ held a hearing, took testimony, and admitted documents. 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). The record was left open for 10 days, following the conclusion of the testimony, to allow Respondent to show good cause for her failure to appear. No response was received and the record then closed on September 28, 2018.



On October 16, 2018, 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 deliberately and intentionally withheld information from the Agency, which resulted in Respondent receiving an overissuance of WFNJ/TANF benefits to which she was not entitled. See Initial Decision at 4. Specifically, Respondent intentionally did not accurately report a change in household composition by failing to disclose that her daughter, D.K., began to live with her father, and was no longer part of the assistance unit. See Initial Decision at 3; see also Exhibit P-7, and N.J.A.C. 10:90-2.7(a)(1). As such, Respondent was not eligible for WFNJ/TANF benefits, on behalf of her daughter, from March 2012, through April 2012, which resulted in an overissuance of WFNJ/TANF benefits to Respondent in the amount of \$204. See Initial Decision at 3; see also Exhibit P-11, and N.J.A.C. 10:90-3.21(a).

As this was the first IPV committed by Respondent, the ALJ ordered the mandatory regulatory penalty of a six-month disqualification from receipt of WFNJ/TANF benefits pursuant to N.J.A.C. 10:90-11.11(a)(1). See Initial Decision at 5.

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 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.

I direct that the Agency proceed to recoup the overissuance.

Accordingly, based upon the foregoing, I hereby ADOPT the Initial Decision in this matter, and ORDER that Respondent is disqualified from receipt of WFNJ benefits for a period of six months. I further ORDER that the Agency is to recoup the overissuance.

Officially approved final version.

OCT 26 2018

Natasha Johnson

Director

