



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

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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 09771-18 T.W.

AGENCY DKT. NO. C138008015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner Agency charges Respondent with committing an intentional program violation ("IPV") of the Supplemental Nutrition Assistance Program ("SNAP") and Work First New Jersey ("WFNJ") programs. The Agency asserts that Respondent failed to report earned income while she was receiving SNAP, WFNJ/General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA") 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. See Exhibit P-1. On July 27, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("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 remained open for ten days for Respondent to present good cause for her failure to appear. See N.J.A.C. 10:87-11.5(a)(3)(ii)(5). Respondent did not respond and the record then closed on August 6, 2018.

On August 24, 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 failed to report earned income, which resulted in Respondent receiving an overissuance of SNAP, WFNJ/GA, and EA benefits to which she was not entitled. See Initial Decision at 6-7. Specifically, Respondent intentionally did not accurately report earned income during the period of June 2016, through October 2017, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$2,360.00, WFNJ/GA benefits in the amount of \$3,460.17, and EA benefits in the amount of \$15,792.00. *Id.* at 4; see also Exhibits P-2, P-4; see also N.J.A.C. 10:87-5.2(a)(1), N.J.A.C. 10:87-9.5, 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 12-month disqualification from receipt of SNAP benefits pursuant to N.J.A.C. 10:87-11.2(a)(1). See Initial Decision at 6. In addition, Petitioner is subject to a six-month mandatory regulatory disqualification from the WFNJ program, which also includes EA benefits. *Ibid.*; see also N.J.A.C. 10:90-11.11(a)(1).



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 overissuances.

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, and from receipt of WFNJ benefits, including EA benefits, for a period of six months. I further ORDER that the Agency is to recoup the overissuances.

Officially approved final version.

SEP - 5 2018

Natasha Johnson
Director

