



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development

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Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

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

REMAND DECISION

OAL DKT. NO. HPW 15662-15 I.K.

AGENCY DKT. NO. C037130 (MIDDLESEX COUNTY BD OF SOC SCVS)

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, Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Work First New Jersey/General Assistance ("WFNJ/GA") programs. The Agency asserts that Respondent failed to report a change in household composition and unearned income while he was receiving SNAP, WFNJ/TANF, and WFNJ/GA, thus causing Respondent to receive an overissuance of benefits to which he was not entitled. Respondent was properly noticed of the Administrative Disqualification Hearing, the charges against him, and the proposed disqualification penalty via certified mail. See Exhibit P-14. Because Respondent failed to execute and return the waiver of his right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. On October 16, 2015, the Honorable Barry E. Moscovitz, 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 was left open for 10 days following the conclusion of the testimony to allow Respondent to show good cause for his failure to appear. The Respondent did not respond and the record then closed on October 26, 2015.

On October 29, 2015, 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,

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which resulted in Respondent receiving an overissuance of SNAP, WFNJ/TANF, and WFNJ/GA to which he was not entitled. See Initial Decision at 6. Specifically, Respondent intentionally did not accurately report a change in household composition and continued to collect Retirement Survivor's Disability Insurance ("RSDI") when his son was no longer a member of the household, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$5,612.00, WFNJ/TANF benefits in the amount of \$2,510.00, WFNJ/GA in the amount of \$210.00, and "GA Services" benefits in the amount of \$1,600.00. *Id.* at 4; see also Exhibit P-7 through P-11; 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 Emergency Assistance ("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 and 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, for a period of six months. I further ORDER that the Agency is to recoup the overissuances.

Signed Copy on File
at DFD, BARA

NOV 16 2015

Natasha Johnson
Director