



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Acting Commissioner

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Director
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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 15668-15 P.D.

AGENCY DKT. NO. C079444 (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 Emergency Assistance ("EA") programs. The Agency asserts that Respondent failed to report earned income while she was receiving SNAP, WFNJ/TANF, and 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. 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 October 13, 2015, the Honorable Leland S. McGee, 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).

On October 15, 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, which resulted in Respondent receiving an overissuance of SNAP, WFNJ/TANF, and EA benefits to which she was not entitled. See Initial Decision at 3.

Specifically, Respondent intentionally did not accurately report earned income during the period of March 2012 through September 2012, which resulted in an overissuance of SNAP benefits to Respondent in the amount of \$3,636, WFNJ/TANF benefits in the amount of \$1,324.00, and EA benefits in the amount of \$3,636. Ibid; see also Exhibit P-5; 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 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 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.

By way of comment, although the ALJ did not specifically address the issue in his Initial Decision, Respondent is also subject to a six month disqualification from receipt of WFNJ, as well as EA, benefits. See N.J.A.C. 10:90-11.11(a)(1)

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

OCT 20 2015

Natasha Johnson
Director