



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
CN 716

DEPARTMENT OF HUMAN SERVICES

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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 D.P.

AGENCY DKT. NO. C578501 (OCEAN COUNTY BOARD OF SOC. SVCS.)

On October 4, 2016, Petitioner submitted a request for an Administrative Review to the Division of Family Development, Bureau of Administrative Review and Appeals ("BARA"), contesting the correctness of the Respondent Agency's ("Agency") receipt of her Supplemental Security Income ("SSI") interim check as recoupment for the public assistance provided to her while she awaited her SSI eligibility determination.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I reviewed this matter and I hereby AFFIRM the Agency's action.

In order for an Agency to grant assistance to an individual that has applied, or is about to apply, for SSI, the Agency shall require that he or she sign the Work First New Jersey/General Assistance ("WFNJ/GA")-30 and WFNJ/GA-30A forms before granting assistance. N.J.A.C. 10:90-14.5(c); N.J.A.C. 10:90-1.2(f)(i). These forms pertain to the client's obligation to repay the Agency for assistance, including Emergency Assistance ("EA") benefits, granted during the interim pending the client's SSI initial or post-eligibility entitlement. N.J.A.C. 10:90-3.18(a)(2)(i) further provides that retroactive SSI payments are subject to recoupment so that the assistance provided during the pendency of the SSI matter can be repaid. Furthermore, a contractual agreement between the State of New Jersey and the Social Security Administration ("SSA") ensures that the SSI interim checks are submitted to the appropriate welfare agency for reimbursement of the individual's welfare benefits. Specifically, N.J.A.C. 10:90-14.5(a) provides that "[a] contractual agreement between the [SSA] and the State of New Jersey provides for reimbursement to DFD for assistance granted to individuals while awaiting an initial SSI eligibility determination...."

On November 23, 2016, BARA sent letters to the Petitioner and the Agency

requesting additional information necessary to complete an Administrative Review. The Agency responded with the requested documentation on December 6, 2016, and Petitioner responded on December 14, 2016.

A review of the documents submitted by the Agency demonstrates that the SSA issued its decision on Petitioner's application, which found that the Petitioner was eligible for SSI as of September 2015. See Reimbursement Details Report. As such, Petitioner began receiving recurring SSI payments in July 2016. Ibid. Petitioner also received a lump-sum interim SSI payment in the amount of \$7,642.50, which represented retroactive SSI payments from the date Petitioner was declared eligible for SSI, until she began receiving her monthly SSI payments. Ibid.; see also Repayment of Interim Assistance Authorization, WFNJ/GA-31.

The documents further demonstrate that Petitioner received public assistance from the Agency during the time that she was seeking SSI benefits. See Reimbursement Details Report; see also GAAS Printout, dated 6/22/2016. Specifically, Petitioner received \$1,911.00 in WFNJ/GA benefits during that time period. Ibid. Since Petitioner received public assistance while her SSI matter was pending, the SSA sent Petitioner's SSI interim check directly to the Agency so that it could be reimbursed for the assistance it provided to Petitioner. The Agency received this interim check because Petitioner signed an Agreement to Repay (WFNJ-30A).

Based upon the foregoing, I find the Agency's recoupment of \$1,911.00 from Petitioner's SSI interim check was correct. Petitioner received \$1,911.00 in public assistance during the time period that she was seeking SSI eligibility. Petitioner also signed the WFNJ/GA-30A and WFNJ/GA-30 forms that not only authorized the Agency to recoup her SSI check, but also establishes that Petitioner was aware that her recoupment would occur upon her receipt of SSI benefits.

As the amount of public assistance exceeded the amount of the retroactive SSI payment Petitioner received when she was deemed eligible for SSI, the Agency properly recouped that portion of Petitioner's SSI interim payment. Therefore, I find the Agency's action was appropriate and I AFFIRM that action.

Accordingly, the Agency's action is AFFIRMED.

Signed Copy on File
at DFD, BARA

FEB 27 2017

Natasha Johnson
Director