



State of New Jersey

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Governor

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

NATASHA JOHNSON
Assistant Commissioner

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 19-025886 M.S.

AGENCY DKT. NO. C046733004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

On or about July 25, 2019, Petitioner submitted a request for an Administrative Review to the Division of Family Development, Bureau of Administrative Review and Appeals ("BARA"), initially interpreted by BARA as contesting the correctness of the Respondent Agency's ("Agency") receipt of a portion of Petitioner's Supplemental Security Income ("SSI") benefits interim check as recoupment for the public assistance provided to her while she awaited an SSI benefits eligibility determination.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I reviewed this matter and I hereby DISMISS this action, with prejudice, as discussed below.

On August 15, 2019, BARA sent letters to the Agency and Petitioner requesting additional information necessary to complete an Administrative Review. Both parties responded accordingly.

A review of the documents submitted revealed that Petitioner had previously contested the correctness of the Respondent Agency's receipt and recoupment of a portion of her SSI benefits interim check in the amount of \$7,710. See Marva Stewart v. Camden County Board of Soc. Svcs., HPW No. DFD142285 (April 22, 2014). In that action, this office affirmed the Agency's determination that Petitioner's SSI benefits Interim check, sent to the Agency, had been correctly recouped for the amount of public assistance Petitioner had received while she awaited an SSI benefits eligibility determination. Ibid. As Petitioner has already received a Final Agency Decision from this office on that Agency action, Petitioner may not again challenge the recoupment of that portion of Petitioner's total SSI benefits interim check. Therefore, in light of that prior Final Agency Decision, I find that Petitioner's present challenge is moot, and is hereby DISMISSED, with prejudice.

However, it appears from the documentation provided by Petitioner in response to BARA's August 15, 2019, letter that she may be challenging the amount of SSI benefits she is currently receiving, and seems to contend that her SSI benefits are being unjustly withheld by the Agency. First, I note that official state records, as well as the documentation provided by Petitioner herself, show that Petitioner is receiving Retirement, Survivors and Disability Insurance ("RSDI") in the amount of \$676.00 per month, and SSI benefits in the amount of \$146.00 per month. Of note, Petitioner is not currently a Work First



New Jersey ("WFNJ") or Emergency Assistance benefits recipient, and she has not received WFNJ benefits since February 2013.

As Petitioner's SSI benefits interim check, in the amount of \$7,710, had been correctly recouped by the Agency, the Agency has, in fact, been reimbursed by the Social Security Administration, in accordance with the law, for all WFNJ benefits previously issued to Petitioner while she awaited her SSI benefits eligibility determination. See N.J.A.C. 10:90-14.5(a). The Agency, therefore, has not been withholding any further money from Petitioner's SSI benefits, nor could it by law.

A cursory review of Petitioner's documents shows that, although Petitioner's monthly SSI benefits amount is \$771.00, the amount of Petitioner's RSDI benefits (minus a \$20.00 disregard) is subtracted from that amount to determine Petitioner's monthly SSI benefits amount. See Letter from Social Security Administration dated November 25, 2018, page 7, provided in Petitioner's documentation. Further, if Petitioner challenges the amount of monthly SSI benefits she is receiving, those issues should be raised with the Social Security Administration, not with the Agency or with DFD. Indeed, Petitioner was advised of same recently when, in the course of a recent fair hearing, filed by Petitioner regarding Emergency Assistance ("EA") benefits, the Agency's social worker questioned Petitioner why she had applied for EA and she "stated that she wanted an explanation on why her SSI [had] decreased. [The Agency representative] then referred [Petitioner] to the Social Security Administration (SSA) for a detailed explanation." See 2019 Fair Hearing Summary Report pertaining to August 1, 2019, denial of EA benefits.

Based on the foregoing, I find that neither DFD, nor the Agency have improperly withheld SSI benefits from Petitioner and I hereby DISMISS Petitioner's action, with prejudice, as DFD holds no jurisdiction over any claims concerning Petitioner's monthly SSI benefits amount.

By way of comment, Petitioner is advised to contact her local Social Security Administration Office to discuss her issues regarding her monthly SSI benefits amount, at (800) 772-1213 - 7:00am - 7:00pm Service Representative / 24 hours Automated.

By way of further comment, out of courtesy to Petitioner, all of the documents, sent to BARA in multiple mailings by Petitioner, are being returned to Petitioner by separate mailing.

Accordingly, this matter is DISMISSED, with prejudice.

Officially approved final version.

DEC 17 2019

Natasha Johnson
Assistant Commissioner

