



State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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*Lt. Governor*

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*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 19-026945 E.W.

AGENCY DKT. NO. C166338011 (MERCER COUNTY BOARD OF SOC. SVCS..)

On or about August 28, 2019, 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") 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 have reviewed this matter and hereby AFFIRM the Agency's action.

In order for an Agency to grant public assistance to an individual who has applied, or is about to apply, for SSI benefits, the Agency shall first require that he or she sign the Work First New Jersey/General Assistance ("WFNJ/GA")-30 and WFNJ/GA-30A forms. See N.J.A.C. 10:90-14.5(c) and N.J.A.C. 10:90-1.2(f)(8)(i). These forms pertain to the client's obligation to repay the Agency for assistance, including Emergency Assistance ("EA") and EA/Temporary Rental Assistance ("TRA") benefits, granted during the interim pending the client's SSI initial or post-eligibility benefits entitlement. Additionally, N.J.A.C. 10:90-3.18(a)(2)(i) provides that retroactive SSI benefits payments are subject to recoupment so that the assistance provided during the pendency of the SSI benefits matter can be repaid. Furthermore, a contractual agreement between the State of New Jersey and the Social Security Administration ("SSA") ensures that the SSI benefits 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 19, 2019, BARA sent letters to the Agency and Petitioner requesting additional information necessary to complete an Administrative Review. The Agency provided additional requested necessary documentation.



A review of the documents submitted demonstrates that the SSA issued its decision on Petitioner's application for SSI benefits, finding that Petitioner was eligible for SSI benefits as of March 2017. See "IA Reimbursement Details." The documents further show that Petitioner began receiving monthly recurring SSI benefits payments in June of 2019. Ibid. Additionally, the record further shows that Petitioner would have been entitled to a total retroactive lump-sum SSI benefits interim payment in the amount of \$17,798.95. Ibid. This amount represents the retroactive SSI benefits payment that Petitioner would have received from the date that Petitioner was declared eligible for SSI benefits, March of 2017, until she began receiving recurring monthly SSI benefits payments in June of 2019. Ibid.

The documents further demonstrate that Petitioner received public assistance from the Agency during the time that she was seeking SSI benefits. See "Summary of Interim Assistance Payments." Specifically, Petitioner was receiving WFNJ/GA cash assistance and EA benefits during the months of March 2017, through June 2019. Ibid. During the time period of May 2017, through May 2019, Petitioner received \$4,787.65 in WFNJ/GA cash benefits, \$2,255.00 in EA benefits, and \$9,081.00 in EA/TRA benefits. Ibid. Additional documentation reveals that Petitioner also received WFNJ/GA benefits of \$210.00 in April of 2017, and a combined total of \$762.00 in WFNJ/GA and EA/TRA benefits in June of 2019. See "IA Reimbursement Details" and "Repayment of Interim Assistance Authorization, WFNJ/GA-31." Therefore, the combined total amount of WFNJ/GA, EA, and EA/TRA benefits received by Petitioner during the period at issue was \$17,095.65.

Since Petitioner received public assistance while her SSI matter was pending, the SSA sent a portion of Petitioner's retroactive lump-sum SSI benefits interim check, in the amount of \$17,095.65, directly to the Agency so that it could be reimbursed for part of the assistance it had provided to Petitioner between Petitioner's SSI benefits eligibility date and the month prior to when Petitioner began receiving her first monthly recurring SSI benefits payment. See "Repayment of Interim Assistance Authorization, WFNJ/GA-31," and "Summary of Interim Assistance Payments." The Agency received the interim check because Petitioner had signed an "Agreement to Repay" as well as an "Authorization for Reimbursement of Initial Supplemental Security Income (SSI) Payment or Initial SSI Post-eligibility Payment" on October 30, 2017. See "WFNJ/GA-30A" and "WFNJ/GA-30" forms.

Based upon the foregoing, I find that the Agency's recoupment of Petitioner's \$17,095.65 retroactive lump-sum SSI benefits interim check was correct. The documentation in this matter clearly shows that Petitioner received that total in public assistance during the time period that she was seeking SSI benefits eligibility.

Therefore, based upon applicable regulatory authority, and in accordance with documentation signed by Petitioner, acknowledging the responsibility to repay the Agency for the total amount of public assistance received after Petitioner was deemed eligible for SSI benefits, I find that the Agency properly recouped the retroactive lump-sum SSI benefits interim payment of \$17,095.65, and I hereby AFFIRM that action.

Accordingly, the Agency's action is AFFIRMED.

Officially approved final version.

FEB 12 2020

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Natasha Johnson  
Assistant Commissioner

