



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 20-035899 G.C.

AGENCY DKT. NO. C082298006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

On or about October 29, 2020, Petitioner submitted a request for an Administrative Review that was received in the Division of Family Development ("DFD"), Bureau of Administrative Review and Appeals ("BARA"). Petitioner contests 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 Assistant Commissioner, DFD, Department of Human Services, I reviewed this matter, and I hereby AFFIRM the Agency's action.

At the outset, it should be noted that an appeal from an Agency's adverse action must be made within 90 calendar days of such action. See N.J.A.C. 10:90-9.10. That time limit may not be expanded, unless extraordinary and extenuating circumstances exist, such as serious illness, as determined by DFD. Ibid. Here, Petitioner was notified on February 14, 2017, that her SSI retroactive lump benefits check had been forwarded to the Agency. See Repayment of Interim Assistance Authorization. More than three years and eight months had elapsed between the time SSA had sent Petitioner's SSI check to the Agency, and the time Petitioner had contacted BARA, requesting this Administrative Review. The record is devoid of any extraordinary or extenuating circumstances to warrant the expansion of the 90-day time period for this Administrative Review. However, in the interests of fairness, and so that Petitioner may fully understand the basis for the recoupment of her retroactive lump-sum SSI benefits, the above time frame has been waived and this Administrative Review proceeded.

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 2, 2020, BARA sent letters to the Agency in Cumberland County, and to Petitioner requesting additional information necessary to complete an Administrative Review. On November 12, 2020, the Agency provided documentation in response to BARA's request for same. On November 19, 2020, Petitioner, in response to BARA's request for more information, provided a letter. The documentation provided by the Petitioner and the Agency is sufficient to conduct this Administrative Review, and comprises the record in this matter.

A review of the documents submitted reflects that on February 14, 2017, Petitioner was deemed eligible for SSI benefits, retroactive to May 1, 2014. See IA Reimbursement Details; see also Repayment for Interim Assistance Authorization. Since Petitioner had received public assistance, specifically, WFNJ/GA cash assistance and combined EA benefits while her SSI matter was pending, the SSA sent Petitioner's lump-sum SSI benefits interim check in the amount of \$11,425.87 directly to the Agency, so that it could be reimbursed for the assistance it had provided to Petitioner between Petitioner's SSI benefits eligibility date, May 1, 2014, and the month prior to when Petitioner began receiving her first monthly recurring SSI benefits payment in March, 2017. Ibid. The record further demonstrates that, during the period from June, 2014, through February, 2017, Petitioner received a total of \$11,009.28 in assistance benefits, including \$5,054.30 in WFNJ/GA cash benefits, and a combined total of \$5,954.98 in EA and EA/TRA benefits. See Summary of Interim Assistance Payments. Since Petitioner had received public assistance while her SSI matter was pending, the SSA sent a portion of Petitioner's retroactive lump-sum SSI benefits interim payment, in the amount of \$11,425.87, directly to the Agency so that it could be reimbursed for the assistance it had provided to Petitioner between Petitioner's SSI benefits eligibility date on May 1, 2014, through February, 2017, after which Petitioner began receiving recurring monthly SSI payments. Ibid. The Agency received the interim check because Petitioner had signed an "Authorization for Reimbursement of Initial Supplemental Security Income (SSI) Payment or Initial SSI Post-eligibility Payment," as well as an "Agreement to Repay Assistance from Initial SSI Payment," on January 11, 2016. See WFNJ/GA-30 and WFNJ/GA-30A forms.

The record further shows that, after reviewing the IA Reimbursement Details, Petitioner was owed a partial refund from the amount the Agency had recouped, specifically in the amount of \$416.59, which was forwarded to Petitioner on March 20, 2017. See Repayment for Interim Assistance Authorization and check number 11775.

Based upon the foregoing, I find that the Agency's recoupment of a portion of Petitioner's retroactive lump-sum SSI benefits interim check, in the amount of \$11,009.28, was correct. The documentation in this matter clearly shows that Petitioner received a total of \$11,009.28 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 Petitioner's retroactive lump-sum SSI benefits interim payment in the amount of \$11,009.28, and I hereby AFFIRM that action.

Accordingly, the Agency's action is AFFIRMED.



FEB - 4 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

