



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 02325-21 J.M.

AGENCY DKT. NO. C144769015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner challenges the correctness of an overissuance of Work First New Jersey/General Assistance ("WFNJ/GA benefits. Respondent Agency asserts that for the period beginning May, 2020, through August, 2020, Petitioner received WFNJ/GA benefits to which he was not entitled, and which must be repaid, as the result of a failure to report household unearned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for January 19, 2021, but Petitioner failed to appear. The matter was rescheduled for April 13, 2021, but Petitioner called in late for the hearing and the matter was adjourned. The matter was then rescheduled for May 7, 2021, and on that date, Petitioner requested additional time to retain counsel and matter was again adjourned. On May 14, 2021, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony and admitted documents into evidence. On May 26, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency action, based on the discussion below.

Financial eligibility for Work First New Jersey ("WFNJ") benefits is determined based upon the AU's countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for a WFNJ/GA benefits recipient is found to exist, financial eligibility continues to exist so long as the total countable income of the WFNJ/GA AU, with benefit of the appropriate disregards set forth in N.J.A.C. 10:90-3.8 for earned income, if applicable, is less than the maximum benefit payment level for the appropriate eligible AU size in accordance with Schedule IV at N.J.A.C. 10:90-3.5(b). Effective July 1, 2019, the benefit level for an employable WFNJ/GA AU, consisting of one person, is \$185 per month. See N.J.A.C. 10:90-3.5(b); see also DFD Informational Transmittal ("IT") No. 19-21. Effective July 1, 2019, the benefit level for an



unemployable WFNJ/GA assistance unit that consists of one individual is \$277 per month. See N.J.A.C. 10:90-3.6(a); see also DFD IT No. 19-12.

In accordance with regulatory authority, applicable to the WFNJ program, a recipient of WFNJ benefits is required to satisfy any repayment obligation pursuant to state or Federal law governing public assistance. See N.J.A.C. 10:90-2.2(a)(7). An overpayment of WFNJ benefits, including Emergency Assistance benefits, is subject to recoupment, "regardless of fault, including overpayments caused by administrative action or inaction[.]" See N.J.A.C. 10:90-3.21(a)(1).

Pursuant to N.J.A.C. 10:90-3.11(e), "WFNJ assistance units shall be required to report any change in unearned income and circumstances that could affect eligibility and the benefit amount as soon as possible to the county or municipal agency, but in no event later than 10 calendar days of the date the change happened or in the case of earnings no later than 10 days from the date of receipt of the first paycheck." Further, "[r]eportable income and circumstance changes are defined as changes in sources or amounts of earned or unearned income[.]" See N.J.A.C. 10:90-3.11(e)(1).

Here, the ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner received an overissuance of WFNJ/GA benefits to which he was not entitled. See Initial Decision at 5-6. The record in this matter reveals that Petitioner received WFNJ/GA benefits during the months of May, June, July, and August, 2020. See Initial Decision at 2-4. During this time period, Petitioner also received Unemployment Insurance Benefits ("UIB") benefits, which he did not report to the Agency, despite a responsibility to do so. Id. at 2-3; see also Exhibit R-3 and N.J.A.C. 10:90-3.11(e). Upon his receipt of unearned income from UIB, Petitioner was no longer eligible to receive WFNJ/GA benefits, and as such, Petitioner received an overissuance of WFNJ/GA benefits to which he was not entitled during the time period claimed, and which must now be repaid. See N.J.A.C. 10:90-3.6(a) and N.J.A.C. 10:90-3.21(a)(1). Based on the record presented, the ALJ in this matter concluded that Petitioner was overissued WFNJ/GA benefits to which he was not entitled during the time period claimed, in the amount of \$1108, and as such, the Agency is entitled to recoup, and Petitioner must repay, the overissuance of WFNJ/GA benefits to which he was not eligible to receive, with adjustment for any aged-out amount. See Initial Decision at 6; see also N.J.A.C. 10:90-3.21(a)(1). I agree. However, the Initial Decision incorrectly cites to regulatory authority applicable to SNAP benefits cases, when the record indicates that Petitioner continues to receive SNAP benefits. See Initial Decision at 4-5. Accordingly, the Initial Decision is modified to include the correct regulatory authority, applicable to WFNJ benefits cases, as referenced and cited to above.

I ORDER and direct that the Agency proceed to recoup the overissuance.

Accordingly, the Initial Decision in this matter is MODIFIED, and the Agency's determinations are AFFIRMED, as outlined above.

JUN 29 2021

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner

