



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

PO BOX 716
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 01959-21 M.M.

AGENCY DKT. NO. C517490002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency asserts that the assistance unit ("AU") received WFNJ/TANF benefits to which it was not entitled, resulting in an overissuance of benefits which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On March 25, 2021, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Petitioner's relative acted as translator during the telephonic hearing. On March 29, 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, Department of Human Services, I have reviewed the record in this matter and I hereby ADOPT the Initial Decision, and AFFIRM the Agency determination, based on the discussion below.

Under the WFNJ regulations, a recipient 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).

Here, the record reflects that in April, 2020, at the time of Petitioner's redetermination application for WFNJ/TANF benefits, the Agency discovered that Petitioner's spouse had earned income in 2019 from his own business. See Initial Decision at 2; see also Exhibits R-1, R-5, R-6, R-7. The Agency then determined that Petitioner had failed to report her spouse's earned income in 2019, and that this unreported income, when combined with Petitioner's reported income in 2019, would have made the AU ineligible for WFNJ/TANF benefits. See Initial Decision at 2; see also Exhibits R-5, R-6, R-8, and N.J.A.C. 10:90-3.2.



The ALJ found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner did not report any household earned income when she applied for WFNJ/TANF benefits, and that the failure to disclose this information to the Agency resulted in an overpayment of WFNJ/TANF benefits. See Initial Decision at 3; see also Exhibit R-2, and N.J.A.C. 10:90-3.2(a). The ALJ concluded that Petitioner received an overissuance of WFNJ/TANF benefits in the amount of \$3,864, for the period beginning March 1, 2019, through March 31, 2020, which must be repaid. See Initial Decision at 3; see also Exhibits R-1, R-2, R-3, and N.J.A.C. 10:90-3.21(a)(1). I agree.

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

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is AFFIRMED, as outlined above.

MAY 25 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

