



State of New Jersey

PHILIP D. MURPHY
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 21-039054 T.B.

AGENCY DKT. NO. C433179004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

On or about March 18, 2021, Petitioner submitted a request for an Administrative Review to 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.

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 April 8, 2021, BARA sent letters to the Agency and Petitioner requesting additional information necessary to complete an Administrative Review. On April 15, 2021, the Agency responded, providing the documents comprising the record for this Administrative Review. To date, Petitioner has not responded to BARA's April 8, 2021, request for additional information.



A review of the documents submitted demonstrates that in January, 2021, Petitioner was deemed eligible for SSI benefits, retroactive to August 1, 2019. See Interim Assistance ("IA") Reimbursement Details. Since Petitioner had received public assistance while her SSI matter was pending, the SSA sent Petitioner's lump-sum SSI benefits interim check, in the amount of \$11,207.59, 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 of August 1, 2019, and the month prior to when Petitioner began receiving her first monthly recurring SSI benefits payment, specifically, January, 2021. Ibid.; see also Summary of Interim Assistance Payments. The Agency received the interim check because, on multiple occasions, specifically, on July 24, 2018, September 4, 2018, and October 2, 2019, Petitioner had signed an "Authorization for Reimbursement of Initial Supplemental Security Income (SSI) Payment or Initial SSI Post-eligibility Payment," and an "Agreement to Repay Assistance from Initial SSI Payment." Moreover, on November 16, 2021, Petitioner signed an updated "Notice of Agreement to Repay." See WFNJ/GA-30, WFNJ/GA-10D, and WFNJ/GA-30A forms.

The record further demonstrates that, during the period from September 1, 2019, through January 1, 2021, Petitioner received from the Agency, a total of \$18,220.00 in assistance benefits, including cash assistance in the amount of \$4,699.00, and EA benefits in the amount of \$13,521.00. See Summary of Interim Assistance Payments and GAAS payment history. Since Petitioner had received public assistance in the form of WFNJ/GA cash assistance and EA benefits while her SSI matter was pending, the SSA sent Petitioner's retroactive lump-sum SSI benefits interim payment, in the amount of \$11,207.59, 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 of August 1, 2019, through January 1, 2021, after which Petitioner began receiving recurring monthly SSI payments. Ibid.

It should be noted that, had been Petitioner been actually approved for SSI benefits in August, 2019, and not retroactively approved, Petitioner's WFNJ/GA benefits, including any EA benefits, would have immediately ceased in August, 2019, because Petitioner would have become over income for receipt of WFNJ benefits due the amount of her SSI income. See N.J.A.C. 10:90-3.5(b) (stating that "[a]s long as the assistance unit's countable income is less than the applicable benefit level, WFNJ/GA financial eligibility exists. When the countable income equals or exceeds the applicable benefits level [here, \$210], the assistance unit is no longer eligible for WFNJ/GA benefits[.]")

Based upon the foregoing, I find that the Agency's recoupment of Petitioner's \$11,207.59 lump-sum SSI benefits interim check was correct. The documentation in this matter clearly shows that Petitioner received a total of \$18,220.00 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, on multiple occasions, 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 lump-sum SSI benefits interim payment of \$11,207.59, and I hereby AFFIRM that action.

Accordingly, the Agency's action is AFFIRMED.

Officially approved final version.

AUG 10 2021

Natasha Johnson
Assistant Commissioner

