



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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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 **04909-23 N.C.**

AGENCY DKT. NO. **C323392007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Work First New Jersey/General Assistance ("WFNJ/GA"), and Supplemental Nutrition Assistance Program ("SNAP"), benefits. The Agency asserts that Petitioner's household received SNAP and WFNJ/GA benefits to which it was not entitled, resulting in overissuances of benefits between July 2004, to December 2004, which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A plenary telephonic hearing was initially scheduled for July 10, 2023. See Initial Decision at 2. The hearing was adjourned on that date, as well as on several subsequently scheduled dates, for various reasons, including obtaining documentation relevant to the case. Ibid. A fourth scheduled hearing date was scheduled for September 19, 2023. Ibid. Petitioner had previously appeared for the scheduled hearing dates, but did not appear for this hearing date. Ibid. That evening, Petitioner contacted the OAL via email, advising that she had determined to intentionally not appear for the hearing and requesting that she be advised of what she would need to do going forward. Id. at 3. On October 4, 2023, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ") issued an Initial Decision, affirming the overissuance.

This office has been advised that the Agency is rescinding the claim for recovery against Petitioner. In accordance with Division of Family Development ("DFD") Informational Transmittal ("IT") 22-16, non-fraud WFNJ and NJ SNAP claims that had become delinquent on or before September 1, 2019, were to be terminated. I take official notice of the fact that the records of this office show that the original delinquency date in this case was January 20, 2006, and that, while the claim in this matter was closed in the Federal Treasury Offset Program ("TOP")/StateSet Off Individual Liability ("SOIL") program on September 30, 2022, in accordance with DFD IT 22-16, due to an Agency error, the claim was not closed out in the other State system referenced in DFD IT 22-16, OneTrac, thus improperly remaining active and open. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). This office has been advised by the Agency that it has corrected this error and terminated the claim. Additionally, the Agency has advised that Petitioner will be refunded any payments collected from October 1, 2022, (the date after which the claim was closed and terminated) to the present, only.



Therefore, based on the foregoing, I find that this matter has now been rendered moot, and therefore DISMISS Petitioner's appeal. The Agency is directed to refund Petitioner with any payments collected from October 1, 2022, to the present, if it has not already done so.

Accordingly, as Petitioner's appeal on this issue has now been deemed moot, the matter is hereby DISMISSED.

Officially approved final version. December 06, 2023

Natasha Johnson
Assistant Commissioner

