



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
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 **08802-23 T.W.**

AGENCY DKT. NO. **C562822002 (BERGEN COUNTY BD. OF SOC. SVCS.)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency asserts that Petitioner received an overpayment of WFNJ/GA benefits as the result of having received continued assistance of WFNJ/GA benefits, pending the outcome of a prior fair hearing, to which she was not entitled and must now be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 5, 2023, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 10, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Initial Decision, and AFFIRM the Agency's action, 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 and overpayments resulting from assistance paid pending hearing decisions." See N.J.A.C. 10:90-3.21(a)(1) (emphasis added).

Based on an independent review of the record, I find that Petitioner's WFNJ/GA benefits were terminated, effective November 1, 2022, due to Petitioner having received the lifetime limit for said benefits. See Initial Decision at 2. On October 24, 2022, Petitioner requested a fair hearing on that termination, with continued benefits pending the final decision in the case. *Ibid.*; see also Exhibit R-1 at 1-3 and N.J.A.C. 10:90-9.3(e). As a result, Petitioner received continued assistance of said WFNJ/GA benefits for the months of November 2022, December 2022, January 2023, and February 2023, totaling \$740. See Initial Decision at 2; see also Exhibit R-1 at 5-13, and N.J.A.C. 10:90-9.3(e). The record further reflects that on February 9, 2023, Petitioner's request for a fair hearing on the WFNJ/



GA termination was withdrawn by her attorney. See Initial Decision at 2, 4; see also Exhibit R-1 at 4. The ALJ in this case found, that in accordance with regulatory authority, the Agency is mandated to recoup such overpayment of WFNJ/GA benefits paid pending a fair hearing decision. See Initial Decision at 2-4; see also N.J.A.C. 10:90-3.21(a)(1). As the record reflects that Petitioner's WFNJ/GA benefits had terminated, effective November 1, 2022, the ALJ concluded that Petitioner was overissued WFNJ/GA benefits to which she was not entitled, from the date of WFNJ/GA termination, to the date of the withdrawal of the fair hearing request in February 2023, in the amount of \$185 for four months, or \$740 total. See Initial Decision at 4-5; see also Exhibit R-1 at 6-11, and N.J.A.C. 10:90-3.21(a)(1). Accordingly, the ALJ found that the Agency is entitled to recoup, and Petitioner must repay, the overpayment of WFNJ/GA benefits to which she was not eligible to receive. Ibid. I agree.

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

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version. November 14, 2023

Natasha Johnson
Assistant Commissioner

