



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
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 **10055-21 C.L.**

AGENCY DKT. NO. **C066003006 (CUMBERLAND 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 February 9, 2022, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On February 16, 2022, 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 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).

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/TANF is found to exist, financial eligibility continues to exist so long as the assistance unit's total countable income (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income, if applicable) is less than the maximum benefit payment level allowable for the size of the assistance unit, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an assistance unit of two, the maximum allowable benefit level is \$425. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") No. 19-21.

In accordance with N.J.A.C. 10:90-3.8(j), when an overpayment of WFNJ benefits occurs, caused by the benefit recipient's failure, without good cause, to report earned income on a timely basis, the amount



of the overpayment shall be calculated without the benefit and application of earned income disregards as outlined at N.J.A.C. 10:90-3.8(b).

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 new earnings no later than 10 days from the date of receipt of the first paycheck."

Here, a review of the record reflects that Petitioner received WFNJ/TANF benefits for an AU of two people, comprised of her two eligible children. See Initial Decision at 2. On or around June 15, 2021, Petitioner reported to the Agency that she had returned to work. Id. at 2; see also Exhibit R-1 at 11-12. The Agency was able to verify that Petitioner had, in fact, returned to work in May, 2021, and had received her first paycheck on May 27, 2021. See Exhibit R-1 at 19. In accordance with applicable regulatory authority, Petitioner should have advised the Agency of her return to work no later than 10 days from the receipt of her first paycheck, or by June 6, 2021. See N.J.A.C. 10:90-3.11(e). As such, Petitioner had failed to timely advise the Agency of the change in circumstances, and therefore was not entitled to any earned income disregard. See N.J.A.C. 10:90-3.8(j). Thus, when Petitioner later provided copies of her paystubs dated July 8, 2021, and July 15, 2021, wherein she had earned a weekly gross total of \$127.50, and \$467.50, respectively, for a combined total of \$595, Petitioner's income exceeded the maximum permissible level of \$425 for continued receipt of benefits. See Initial Decision at 2, 3; see also Exhibit R-2, N.J.A.C. 10:90-3.3(b), and DFD IT No. 19-21. Accordingly, as Petitioner was ineligible for WFNJ/TANF benefits for the month of July, 2021, the Agency determined that she had been overissued WFNJ/TANF benefits in the amount of \$425, for that month, which must be repaid. See Initial Decision at 2, 3; see also Exhibit R-1 at 1, 2-4, and N.J.A.C. 10:90-3.3(b), -3.9, -3.21(a), and DFD IT 19-21. On November 17, 2021, the Agency sent a Notice to Repay Overissued WFNJ/TANF benefits to Petitioner, seeking to recoup the \$425 in overissued WFNJ/TANF benefits. See Initial Decision at 3; see also Exhibit R-1 at 2-3.

The ALJ in this matter agreed with the Agency, finding that Petitioner's income earned in July, 2021, made her ineligible for the WFNJ/TANF benefits she received in July, 2021. See Initial Decision at 4; see also Exhibit R-2, and N.J.A.C. 10:90-3.3(b). Accordingly, the ALJ concluded that in July, 2021, Petitioner received an overissuance of WFNJ/TANF benefits in the amount of \$425, which must be repaid. See Initial Decision at 3; see also Exhibit R-1 at 2-3, 13, 14, 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.

Officially approved final version.

March 23, 2022

Natasha Johnson
Assistant Commissioner

