



State of New Jersey

MIKIE SHERRILL
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

STEPHEN CHA, MD, MHSR
Commissioner

DR. DALE G. CALDWELL
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 **18846-25 C.L.**

AGENCY DKT. NO. **C025235014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Work First New Jersey/General Assistance ("WFNJ/GA") benefits and Emergency Assistance ("EA") benefits. The Agency asserts that Petitioner received WFNJ/GA and EA benefits which must be recouped due to the receipt of lump sum Unemployment Insurance Benefits ("UIB") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The hearing in this matter was initially scheduled for December 16, 2025, but following a conference on the matter was rescheduled to January 26, 2026. On January 26, 2026, the Agency was closed due to inclement weather and the matter had to be adjourned. On February 26, 2026, a further adjournment was granted following an additional conference on the matter. On March 4, 2026, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ,") held a plenary hearing, took testimony, and admitted documents into evidence. On March 25, 2026, the record was reopened regarding clarification of an exhibit and testimony and then the record was closed. On April 10, 2026, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency action, based on the discussion below.

Eligibility for WFNJ/GA is determined by examining an applicant's income (both earned and unearned) and resources (both countable and exempt); an applicant must report all income received by every household member and the applicant maintains the duty to report any changes in household circumstances. See N.J.A.C. 10:87-4.2, -5.2, -9.5, and N.J.A.C. 10:90-1.13, -3.1, -3.3, -3.4, -3.9, -3.10, -3.19, -3.20.

When a nonrecurring earned or unearned lump sum payment is received, the recipient must notify the appropriate agency within 10 calendar days of receipt and that income shall be used to repay assistance granted in accordance with the agreement to repay. See N.J.A.C. 10:90-3.18(a), (b). After the agreement to repay is satisfied, any lump sum remaining will be added together with all other countable income received that month by the eligible assistance unit after application of the appropriate disregards. See N.J.A.C. 10:90-3.18(c). An appropriate disregard is considered as money spent to "purchase items that are integral in promoting self-sufficiency, such as the purchase of a first vehicle, vehicle repairs or essential household items." See N.J.A.C. 10:90-3.18(c)(1). If the remaining amount exceeds 200 percent of the payment level for the assistance unit size, then the assistance unit is ineligible for the number of full months derived by dividing this



total income by the payment level applicable to the eligible assistance unit size. See N.J.A.C. 10:90-3.18(d); see also DFD Information Transmittal (“IT”) 19-21.

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).

Here, the record reflects that Petitioner received WFNJ/GA benefits of \$185 during July, 2024, \$277 during August, 2024, and \$277 during September, 2024, in addition to the receipt of EA benefits of \$216 during July, 2024. See Initial Decision at 2. On October 1, 2024, Petitioner advised the Agency that she had started to receive UIB payments in September, 2024. See Initial Decision at 2-3. When the Agency learned of the UIB payments, it closed Petitioner’s WFNJ/GA case, terminating her WFNJ/GA benefits effective November 1, 2024, because the UIB income exceeded the maximum income for receipt of continued WFNJ/GA benefits. See Initial Decision at 2-3; see also N.J.A.C. 10:90-3.5(b). The Agency contends that the UIB payments paid on September 19, 2024, totaling \$1,605, should constitute a lump sum of income to Petitioner, which should require Petitioner to repay the monies received from WFNJ/GA and EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-3.18.

The ALJ in this matter concluded that the regulatory authority at N.J.A.C. 10:90-3.18, which outlines other benefits programs providing lump sum awards, provides the authority upon which the Agency may rely to require repayment of past assistance from Petitioner as the UIB received should be considered “nonrecurring lump sum income.” See Initial Decision at 3-4. The record reflects that Petitioner was paid a total of \$1,605 representing UIB back-benefits on September 19, 2024, and then began to regularly receive UIB payments weekly through the end of 2024. See Initial Decision at 4. Accordingly, the ALJ found that Petitioner must repay the benefits paid to Petitioner during July, August, and September, 2024 following the receipt of the UIB non-recurring lump sum payment. See Initial Decision at 5; see also N.J.A.C. 10:90-3.18. I agree.

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

Officially approved final version. May 20, 2026

Natasha Johnson
Assistant Commissioner

