



This matter arises from Bergen County Board of Social Services' attempt to recoup benefits which were incorrectly provided to Petitioner as a result of Petitioner's failure to report earned income, resulting in an overpayment of \$3,965.88. At the scheduled OAL hearing, the Petitioner accepted BCBSS' determination of overpayment, and the parties entered into a settlement agreement on the record wherein Petitioner agreed to pay the full amount by making monthly payments of until it is paid back entirely.

By Initial Decision dated January 9, 2019, the ALJ approved the Settlement Agreement because it was consistent with the law, fully disposed of all issues in controversy and was voluntarily entered into by both parties in accordance with N.J.A.C. 1:11-19.1.

I hereby REJECT the Settlement Agreement. The State of New Jersey's interests are not protected by the terms of the settlement. The agreement fails to address the consequence if Petitioner fails to make payments during the course of the next six (6) years. The matter can be submitted to the Set-Off Individual Liability (SOIL) program, which would recoup the overpayment from tax refunds, rebates or lottery winnings. In addition, a certificate of debt could be filed under N.J.S.A. 30:4D-17(h) to protect the State's recovery. Absent such protections, I cannot accept the agreement and hereby REJECT the Settlement Agreement and REMAND the matter to the OAL for further proceedings.

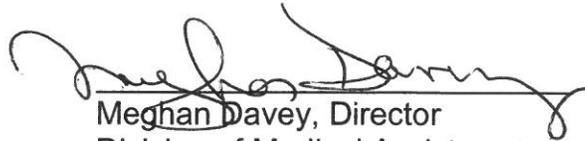
I hereby REJECT the Settlement Agreement.

THEREFORE, it is on this 8<sup>th</sup> day of FEBRUARY 2019,

ORDERED:

That the Initial Decision approving the terms of the Settlement Agreement in this matter is hereby REJECTED; and

That the matter is hereby REMANDED to the Office of Administrative Law for further action.



Meghan Davey, Director  
Division of Medical Assistance  
and Health Services