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DIVISION OF FAMILY DEVELOPMENT
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Assistant Commissioner

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **08852-24 T.J.**

AGENCY DKT. NO. **C139115003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner challenges the correctness of the Respondent Agency's claim for recovery of Work First New Jersey/Temporary Assistance to Needy Families ("WFNJ/TANF") benefits issued to Petitioner between September, 2022 and October, 2022, Supplemental Nutrition Assistance Program ("SNAP") benefits issued to Petitioner between September, 2022 and October, 2022, and Emergency Assistance ("EA") benefits issued to Petitioner for September, 2022. The Agency asserts that Petitioner received WFNJ/TANF, SNAP, and EA benefits to which she was not entitled, thereby resulting in overissuances of benefits which must be repaid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On September 9, 2024, the Honorable Mamta Patel, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents into evidence, and the record then closed. On September 24, 2024, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were filed by either party.

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 actions, based on the discussion below.

In the instance of an overpayment of benefits, the Agency must recoup the overissuance. See N.J.A.C. 10:87-11.20. One type of overpayment which is subject to recoupment is one which results from "a misunderstanding or unintended error on the part of the household" receiving benefits, called an "Inadvertent Household Error" ("IHE"). See N.J.A.C. 10:87-11.20(e)(2). Repayment of overissuances may be sought for up to six years following the time that the Agency becomes aware of the overpayment. See N.J.A.C. 10:87-11.20(f)(1)(i). Another type of overpayment which is subject to recoupment is one which is caused by an action of, or inaction by, the Agency itself, called an "agency error," ("AE"). See N.J.A.C. 10:87-11.20(e)(3).

Similarly, under the WFNJ regulations, which contain the EA regulations, a benefits 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 overissuance of WFNJ benefits, including EA 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).

WFNJ assistance units are required to inform the Agency of any change in income and circumstances that would affect eligibility no later than 10 days after the change happened, or in the case of earnings, no later than 10 days from the date of receipt of the first paycheck. See N.J.A.C. 10:90-3.11(e); see also N.J.A.C. 10:87-9.5(b)(1)(i) (requiring a SNAP household to report a change in income within 10 days from the day of receipt of the first paycheck).



Only WFNJ and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the record reflects that Petitioner applied for WFNJ/TANF, SNAP, and EA benefits for herself and her minor child on December 27, 2021, at which time she was homeless and had no source of income. See Initial Decision at 2. Petitioner's applications were approved in February 2022, at which time she began receiving WFNJ/TANF, SNAP, and EA benefits. See Initial Decision at 3. The record further shows that Petitioner became employed as of July 4, 2022. *Ibid.*; see also Exhibits R-1, R-2, R-9. Petitioner states that she had timely informed her housing case worker in July, 2022, that she had found employment and thereafter she completed an application, during August 2022, for a type of EA, Temporary Rental Assistance ("TRA"). See Initial Decision at 3, 5. In September 2022, the Agency received Petitioner's paystubs, as well as becoming aware Petitioner was employed based upon the August 2022 New Hire Report. *Ibid.*; see also Exhibits R-1, R-9. Thereafter, in October 2022, the Agency sent a Wage Verification Form to Petitioner's employer and verified her start date as July 4, 2022, and her weekly pay amounts during September 2022. See Initial Decision at 3; see also Exhibits R-1, R-2, R-6. Using the supplied paystubs, the Agency determined that Petitioner's income exceeded the gross monthly income for continued WFNJ/TANF eligibility. See Initial Decision at 3; see also Exhibits R-6, R-7, and DFD Informational transmittal No. 19-21. During the time it took to verify Petitioner's employment and income, Petitioner continued to receive benefits through October 2022. See Initial Decision at 4; see also Exhibits R-8, R-9. Effective November 1, 2022, the Agency reduced Petitioner's SNAP benefits, terminated her WFNJ/TANF benefits for being over income, and terminated her EA benefits as there was no household member meeting the eligibility requirements for EA benefits. See Initial Decision at 4; see also Exhibits R-1, R-9 and N.J.A.C. 10:90-6.2(a). The Agency determined that WFNJ/TANF benefits had been overissued in the amount of \$848.92 for September and October 2022, that SNAP benefits had been overissued in the amount of \$1,118.00 for September and October 2022, and that EA benefits, in the form of TRA, were overissued in the amount of \$1,672 for September 2022. See Initial Decision at 4; see also Exhibits R-3, R-4, R-5.

The ALJ in this case found that the Agency had met its burden in establishing, by a preponderance of the credible evidence, that Petitioner received overissuances of WFNJ/TANF, SNAP, and EA benefits to which she was not entitled. See Initial Decision at 5-6. While Petitioner maintains that she had timely notified the Agency of her employment, and that it was unfair for her to have to pay back the benefits issued through October 2022, due the Agency's purported delays in recalculating her eligibility, nonetheless, the ALJ found that Petitioner had received benefits to which she was not entitled, in the total amount of \$3,638.92, which must now be repaid, regardless of whether the overissuance occurred as a result of an AE, of an IHE. *Ibid.*; see also Exhibits R-3, R-4, R-5, and N.J.A.C. 10:87-5.4(a)(1), -9.5, -11.20, N.J.A.C. 10:90-3.21(a)(2), -6.2(a). As such, based on the evidence presented, the ALJ concluded that Petitioner had received overissuances of WFNJ/TANF, SNAP, and EA benefits to which she was not entitled, which must be repaid, and affirmed the Agency's demand for repayment. See Initial Decision at 6. I agree.

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

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. October 23, 2024

Natasha Johnson
Assistant Commissioner

