



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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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 **03519-23 E.M.**

AGENCY DKT. NO. **C144718020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner Agency charges Respondent with committing an intentional program violation (“IPV”) of the Work First New Jersey/Temporary Assistance for Needy Families (“WFNJ/TANF”) program. Petitioner Agency asserts that Respondent failed to report a change in household income while receiving WFNJ/TANF benefits, thus causing Respondent to receive an overissuance of benefits to which she was not entitled. Respondent was noticed of the initial Administrative Disqualification Hearing, the charges against her, and the proposed disqualification penalty, via certified mail, on December 28, 2022. See Exhibits P-6, P-7. Because Respondent failed to execute and return the waiver of her right to a hearing, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. See Exhibit P-6 at 4. That matter was heard on May 5, 2023, and a settlement had been reached between the parties. See Initial Decision at 2. However, the settlement agreement was never executed, and the hearing had to be rescheduled. *Ibid.* Respondent was noticed of the rescheduled hearing date, via certified mail, return receipt requested, on March 9, 2023. See Exhibit P-7. On rescheduled hearing date of April 10, 2024, the Honorable John P. Scollo, Administrative Law Judge (“ALJ,”) held a telephonic hearing, took testimony, admitted documents, and the record then closed.

On April 11, 2024, the ALJ issued an Initial Decision, which found that the Agency had met its burden in establishing, by clear and convincing evidence, that Respondent had deliberately and intentionally withheld information from the Agency, which resulted in Respondent receiving an overissuance of WFNJ/TANF benefits to which she was not entitled. See Initial Decision at 3. Specifically, the ALJ found, and Respondent does not dispute, that Respondent intentionally did not accurately report the receipt of household unearned income, in the form of Unemployment Insurance benefits, which resulted in an overissuance of WFNJ/TANF benefits to Respondent in the amount of \$5,824, for the period beginning June, 2020, through January, 2021. See Initial Decision at 2, 3; see also Exhibits P-1, P-3, P-4, P-5, and N.J.A.C. 10:90-3.9(b), (e). I agree with the ALJ’s finding. The ALJ then imposed a 12-month disqualification penalty against Respondent from receipt of WFNJ/TANF benefits. See Initial Decision at 3. While I agree that Respondent committed an IPV of the WFNJ/TANF program, pursuant to regulatory authority, only a 6-month disqualification penalty from the WFNJ program is mandated. See N.J.A.C. 10:90-11.11(a)(1). Accordingly, I am modifying the Initial Decision to reflect that Respondent, as a result of being found to have committed an IPV of the WFNJ program, is disqualified from receiving or participating in the WFNJ program for six months. The Initial Decision is modified to reflect this finding.

Next, while concluding that the amount of overissued WFNJ/TANF benefits owed to Petitioner Agency totals \$5,824, the ALJ ordered Petitioner Agency to review its records and determine if there were any previous recoupments applied to the outstanding balance. I also agree, and direct Petitioner Agency to provide proof to Respondent of all amounts previously recouped and the remaining balance on the claim.



No Exceptions to the Initial Decision were filed.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the Initial Decision in this matter, and following an independent evaluation of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

I direct that the Agency continue to recoup the overissuance.

By way of comment, with respect to a matter alleging an IPV, the Agency is responsible for initiating an administrative disqualification hearing. See N.J.A.C. 10:90-11.2(a). Accordingly, as the Agency is the party requesting relief in an IPV case, it is the "Petitioner." See N.J.A.C. 1:1.2.1, "Definitions." Conversely, the party responding to the Agency's request for relief in an IPV case is the "Respondent." Ibid. In the Initial Decision, E.M., was incorrectly referred to as "Petitioner," when she was, in fact, the Respondent. The Agency was incorrectly referred to as "Respondent" throughout the Initial Decision, when it should be have referred to as Petitioner. The parties are correctly identified in this Final Agency Decision. Accordingly, the Initial Decision is also modified to reflect the correct designation of the parties.

Based upon the discussion above, the Initial Decision in this matter is MODIFIED. I ORDER that Respondent is disqualified from receipt of WFNJ benefits for a period of six months. I further ORDER that the Agency is to continue recouping the overissuance.

Officially approved final version. May 02, 2024

Natasha Johnson
Assistant Commissioner

