



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

PO BOX 716
TRENTON, NJ 08625-0716

NATASHA JOHNSON
Director

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 01444-19 P.H.

AGENCY DKT. NO. C096573006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's appropriation of her child support payments to reimburse the Agency for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits received. The Agency appropriated Petitioner's child support payments, contending that Petitioner had assigned her support rights to the Agency for such recoupment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 27, 2019, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to submit additional documentation, and then closed on March 11, 2019.

On March 29, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner received WFNJ/TANF benefits from June 18, 2013, to September 1, 2013, in the total amount of \$1,245. See Initial Decision at 2; see also Exhibit R-1 at 23. At the time Petitioner applied for WFNJ/TANF benefits, she executed a WFNJ "Child Support Cooperation Requirement" form and an "Affidavit of Cooperation," wherein she assigned her child support payments to the Agency for recoupment of WFNJ/TANF benefits paid to her. See Initial Decision at 2; see also Exhibit R-1 at 9-14. Beginning January 17, 2019, and continuing every week thereafter, the Agency was to receive a weekly payment of \$100 from an employer wage garnishment of the non-custodial parent ("NCP"), until the total amount of \$1,245 was recouped. See Initial Decision at 2; see also Exhibit R-1 at 18. As of the time of the hearing, the Agency had recouped \$583. See Initial Decision at 2. Petitioner challenged the Agency's recoupment, claiming that those child support payments were for arrears owed to her by the NCP, and that she never received information from the Agency that it would have the right to her future child support payments. *Ibid.*; see also Exhibit P-1. Based on the testimony and evidence presented, and in accordance with N.J.A.C. 10:90-16.2(b), the ALJ concluded that Petitioner had assigned to the Agency all rights of child support from the NCP when she applied for WFNJ/TANF benefits, and as such, the Agency is entitled to recoup the WFNJ/TANF benefits received by Petitioner from June 2013, through September 2013, until such time as the Agency has recouped the total amount of the expended benefits, \$1,245. See Initial Decision at 3-4; see also Exhibit R-1 at 6, 18-23. I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.



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Officially approved final version.

Natasha Johnson
Director

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