



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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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 10844-19 K.T.

AGENCY DKT. NO. C119966015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's recoupment of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits due to an overpayment of same. The Agency asserts that Petitioner received WFNJ/TANF benefits, to which she was not entitled, as the result of having no eligible child in the household, and received EA benefits, to which she was not entitled, while ineligible for WFNJ/TANF benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 8, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow the parties to submit additional documentation. The Agency provided additional documentation on December 12, 2019, and the record then closed.

On December 20, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner did not have an eligible child in her household, required for WFNJ/TANF benefits eligibility, for the months of November 2016, through September 2017; February 2018, through June 2018; and September 2018, through November 2018, resulting in an overpayment of WFNJ/TANF benefits in the total amount \$4,605.88. See Initial Decision at 2-7; see also Exhibits R-5, R-6, R-7, R-11, and R-12. Further, the ALJ found that Petitioner had continually failed to report the fact that she did not have an eligible child in her household to the Agency on various applications. See Initial Decision at 2-3; see also Exhibits R-1, R-2, R-3, and R-14. The ALJ also found that Petitioner had received EA benefits from December 2016, through July 2017, during the time that she was ineligible for WFNJ/TANF benefits, resulting in an overpayment of EA benefits in the amount of \$6,330.66. See Initial Decision at 6-7; see also Exhibits R-10, R-11, and R-12. The record also reflects that Petitioner received an overpayment of WFNJ/TANF benefits in the amount of \$145 due to the receipt of continued assistance pending the outcome of a prior fair hearing, and \$71 due to administrative error. See Initial Decision at 5-7. Although Petitioner claimed that she had an eligible child in her household during some of the months at issue, the ALJ found that Petitioner failed to provide any proof to substantiate her claim. *Id.* at 7-9. Moreover, the ALJ found Petitioner's mother's conversation with the Agency, wherein she stated that Petitioner's child has lived with her since birth, and not with Petitioner, admissible proof that Petitioner did not have an eligible child in her household during the months at issue. *Id.* at 10;



see also N.J.A.C. 10:90-1:1-15.5(a), (b). Also, although Petitioner claimed that the Agency had already deducted some of the monies owed from her current WFNJ/TANF monthly benefit amount, the ALJ found that Petitioner failed to provide any evidence to substantiate that claim. See Initial Decision at 7-8. Based on the foregoing, the ALJ concluded that Petitioner must repay the overpayment associated with her receipt of WFNJ/TANF and EA benefits while she was ineligible for same, and ordered the Agency to establish a repayment plan, agreeable to both parties, that would allow for the collection of the debt over time. Id. at 11-14; see also Exhibits R-11, R-12, and N.J.A.C. 10:90-3.21(a). 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.

Officially approved final version.

1.24.20

Natasha Johnson

Assistant Commissioner

