



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 **05087-20 O.W.**

AGENCY DKT. NO. **S467843014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner challenges the correctness of the Respondent Agency's demand for recoupment of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits due to an overissuance. The Agency asserts that Petitioner received WFNJ/TANF benefits to which she was not entitled. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 16, 2020, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. Said hearing was then carried until July 23, 2020. On August 25, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Here, the record reflects that Petitioner applied for, and had been receiving, WFNJ/TANF benefits for herself and her minor child, beginning January 2018. See Initial Decision at 2; see also Exhibit R-1. The record also reflects that by court order, Petitioner temporarily lost custody of her minor child for the month of July 2018, thereby making her ineligible for receipt of WFNJ/TANF benefits in the amount of \$322 for that month. See Initial Decision at 2-3; see also Exhibit R-2, and N.J.A.C. 10:90-2.7(a). Due to Petitioner's hospitalization at the time, she was unable to inform the Agency of her temporary loss of custody, and the Agency had insufficient time to stop the issuance of Petitioner's July 2018, WFNJ/TANF benefits. See Initial Decision at 2-3. Consequently, said payment was made, resulting in an overpayment of WFNJ/TANF benefits in the amount of \$322. *Id.* at 2. Therefore, in accordance with applicable regulatory authority, the Agency was required to recoup such overpayment. *Ibid.*; see also N.J.A.C. 10:90-3.21(a). Based on the foregoing, I concur with the ALJ's conclusion that the Agency is required to recoup the July 2018, WFNJ/TANF benefits overpayment, in the amount of \$322, from Petitioner. See Initial Decision at 2-3. Further, I agree with the ALJ's conclusion that, due to hardship, Petitioner should be allowed to repay the \$322 overpayment at the rate of 5 per cent per month of her



current monthly WFNJ/TANF benefit amount, until such time as that overpayment is paid in full. Id. at 2-4. Of note, Petitioner is currently receiving WFNJ/TANF benefits for herself, and her now two minor children. Id. at 2-3. The Initial Decision is modified to reflect these findings. Specifically, the Initial Decision is modified to correct the ALJ's misstatements throughout, where the WFNJ/TANF benefits at issue were mistakenly classified as either WFNJ/GA or EA benefits, and further modified to reflect the relevant regulatory authority. Id. at 1-4.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version.

SEP 22 2020

Natasha Johnson

Assistant Commissioner

