



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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SARAH ADELMAN  
*Commissioner*

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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 **07840-24 J.G.**

AGENCY DKT. NO. **C164054003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner challenges the Respondent Agency's demand to repay an overissuance of Emergency Assistance ("EA") benefits. The Agency asserts that Petitioner received an overissuance of WFNJ benefits, in the form of EA benefits, to which the she was not entitled as the result of the outcome of an unsuccessful fair hearing, and that she is responsible for the repayment of the overissued benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled for a hearing on July 24, 2024, at which time Petitioner requested a postponement to seek counsel. The matter was rescheduled for August 26, 2024, when Petitioner requested an adjournment. The matter was again rescheduled for September 16, 2024, at which time both parties requested a further adjournment. The matter was rescheduled for November 27, 2024, at which time the Agency's counsel sought a postponement. On February 24, 2025, the Honorable Michael R. Stanzione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents into evidence, and the record then closed. On March 17, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

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

As Assistant Commissioner, 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 hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency action.

As it relates to WFNJ, an overpayment means "a financial assistance payment (including emergency assistance ["EA"]) received by or for an eligible assistance unit for the payment month(s) which exceeds the amount for which that unit was eligible." See N.J.A.C. 10:90-3.21(a). The county or municipal agency shall seek recovery of all overpayments (including EA) regardless of fault, including overpayments resulting from assistance paid pending hearing decisions. See N.J.A.C. 10:90-3.21(a)(1) (emphasis added).

Here, the record reflects that Petitioner requested, and received, continued assistance of EA benefits pending the outcome of a fair hearing, requested by Petitioner in 2023. See Exhibits R-B, R-C. Petitioner was unsuccessful in that fair hearing, as the ALJ assigned to the case found, in an Initial Decision dated May 8, 2023, that Petitioner had exhausted her lifetime limit of EA benefits and was ineligible for any further extensions of EA benefits. See Initial Decision at 3; see also Exhibit R-D. A Final Agency Decision issued by this office on June 22, 2023, adopted the Initial Decision. Ibid. As Petitioner was unsuccessful in her fair hearing, in accordance with applicable regulatory authority, the Agency sought to recoup the amount of continued assistance EA benefits, which totaled \$10,220, paid during the pendency of the hearing and while awaiting the issuance of the Final Agency Decision. See Initial Decision at 3; see also Exhibits R-E, R-F and N.J.A.C. 10:90-3.21(a)(1). The ALJ in this matter concluded that the Agency is obligated to seek recoupment when an EA



recipient has received an overpayment, regardless of the cause of the overpayment and, as the prior fair hearing's ruling regarding Petitioner's eligibility for EA cannot be relitigated, and Petitioner was unsuccessful in that prior fair hearing, the Agency's demand appropriately seeks the amount of EA benefits overpaid to Petitioner, and Petitioner is responsible for the repayment of same. See Initial Decision at 4; see also N.J.A.C. 10:90-3.21(a)(1). I agree.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, and the Agency's determination is AFFIRMED. I ORDER and direct that the Agency proceed to recoup the overpayment.

Officially approved final version. April 25, 2025

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Natasha Johnson  
Assistant Commissioner

