



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 **07870-25 M.D.**

AGENCY DKT. NO. **S472227014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner challenges the correctness of the Respondent Agency's recoupment of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") 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 receiving Unemployment Insurance Benefits ("UIB") income which put the household over the maximum allowable benefit level for receipt of WFNJ/TANF benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 12, 2025, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 17, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reveals that Petitioner applied for WFNJ/TANF benefits and was approved on July 30, 2024. See Initial Decision at 2. During the processing of Petitioner's application for benefits, she was directed to, and did, apply for UIB. Ibid. On August 15, 2024, the Agency received Petitioner's Interim Reporting Form ("IRF") which indicated that she was receiving UIB benefits of \$374 per week. Ibid. Subsequently, the Agency confirmed that Petitioner began to receive UIB payments beginning the week of July 25, 2024. Ibid. On August 21, 2024, the Agency terminated Petitioner's WFNJ/TANF benefits effective September 1, 2024. Ibid. Additionally, although not at issue in this matter, as Petitioner was no longer a WFNJ/TANF recipient, her Emergency Assistance ("EA") benefits were terminated effective September 20, 2024. Ibid. Following the termination of Petitioner's benefits, a referral was issued by the Agency regarding a potential overpayment of WFNJ/TANF and EA benefits from June, 2024 through December, 2024. Ibid.; see also Exhibit R-5 at 4. The Agency investigation determined that for the months of June, July, September, October, November, and December 2024, an overpayment of benefits had occurred in the total amount of \$2,851 as Petitioner was simultaneously in receipt of UIB, in an amount which exceeded the monthly income allowable for an assistance unit of three persons, at the same time as receiving WFNJ/TANF benefits. See Initial Decision at 3.

On April 2, 2025, the Agency sent Petitioner a Notice to Repay Overissued Work First New Jersey Benefits. See Initial Decision at 3; see also Exhibit R-5. The contents of the letter provided Petitioner with various options regarding repayment of the overissued benefits and included information that, if Petitioner did not respond and was currently receiving WFNJ benefits, that her benefit amount would be reduced by \$10 or 10%, whichever was greater, until the overpayment amount was repaid. Ibid. Thereafter, on May 1, 2025, having received no response from Petitioner, Petitioner's WFNJ/TANF benefits were reduced by 10%, from \$559 per month to \$503 per month. See Initial Decision at 3. Petitioner did not dispute the overpayment amount but rather, challenged the Agency's right to collect the overpayment of benefits. See Initial Decision at 4. The ALJ found that Petitioner's UIB payments ceased during December 2024, which made her again eligible for receipt of WFNJ/TANF benefits, which were granted by the Agency. Ibid. Petitioner contended



that she was not responsible for paying the overissued benefits previously received during June 2024 through December 2024. Ibid.

Based on the foregoing, the ALJ concluded that Petitioner must repay the overpayment associated with her receipt of WFNJ/TANF benefits, while she was ineligible for same, that the Agency properly calculated such overpayment, and that the reduction of Petitioner's current WFNJ/TANF benefits, in order to satisfy the overpayment amount was proper. See Initial Decision at 3-4. Specifically, the ALJ found that Petitioner had signed, along with her initial WFNJ/TANF benefits application, an Explanation of Agreement to Repay during July, 2024 which outlined the agreement to repay the Agency the amount equal to the cash assistance granted to her assistance unit. See Initial Decision at 4; see also Exhibit R-18 at 2. Thus, the ALJ concluded that there was no question that an overpayment of WFNJ/TANF benefits had occurred, as Petitioner was receiving WFNJ/TANF benefits at the same time as UIB benefits, and that, pursuant to regulatory authority, the Agency maintained the right to reduce Petitioner's current benefits to collect the overpayments from June, 2024 through December, 2024. See Initial Decision at 4-6; see also Exhibits R-5, R-6, and N.J.A.C. 10:90-3.21(a). I agree.

Further, the ALJ found Petitioner's argument that she should not be required to repay the overpayment to the Agency due to the Agency requiring her to apply for UIB to be without merit, as the direction by the Agency fell within the regulatory authority of N.J.A.C. 10:90-1.12 ("A person who appears to be eligible for other benefits such as (but not limited to) unemployment insurance benefits; Social Security; Retirement, Survivors and Disability Insurance; [SSI]; or Veteran's benefits and such person refuses or neglects to apply for such benefits within 30 days of written notification without good cause, the entire assistance unit shall be ineligible to receive cash assistance.") and N.J.A.C. 10:90-3.4(a). See Initial Decision at 5-6.

No Exceptions to the Initial Decision were received.

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 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. July 16, 2025

Natasha Johnson
Assistant Commissioner

