



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **11658-24 W.W.**

AGENCY DKT. NO. **S766956009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner contests the correctness of the Respondent Agency's receipt of his total Supplemental Security Income ("SSI") benefits interim check as recoupment for the public assistance provided to him while he awaited an SSI benefits eligibility determination. The matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On November 14, 2024 the Honorable Mumtaz Bari-Brown, 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. Additional documentation was provided on November 20, 2024, and the record then closed. On January 3, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner of the Division of Family Development ("DFD"), Department of Human Services, I hereby MODIFY the Initial Decision and AFFIRM the Agency's action, based on the discussion below.

At the outset, it should be noted that matters such as this, involving a recoupment of interim SSI benefits, in repayment of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits paid pending an SSI benefits eligibility determination, have been determined by this office to be handled summarily through the Administrative Review process and are not transmitted to the OAL for a fair hearing. See N.J.A.C. 10:90-9.2. However, due to an administrative error at the Bureau of Administrative Review and Appeals, the matter was transmitted for a fair hearing on the issue of a reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits, effective June 1, 2024, due to an increase in SSI benefits. At the hearing, Petitioner maintained that he was not, in fact, appealing the reduced amount of SNAP benefits, but rather, asserted that the Agency should return the \$18,852.48 interim SSI benefits it had recouped for repayment of public assistance he had received pending his SSI benefits eligibility determination. See Initial Decision at 1-2. Following an independent review of the record in the fair hearing, together with the documents of this office, I find that the ALJ reached the proper conclusion in the Initial Decision, for reasons as discussed in greater detail below.

In order for an Agency to grant public assistance to an individual who has applied, or is about to apply, for SSI benefits, the Agency shall first require that he or she sign the WFNJ/GA-30 and WFNJ/GA-30A forms. See N.J.A.C. 10:90-14.5(c) and N.J.A.C. 10:90-1.2(f)(8)(i). These forms pertain to the client's obligation to repay the Agency for assistance, including EA and EA/Temporary Rental Assistance ("TRA") benefits, granted during the interim pending the client's SSI initial or post-eligibility benefits entitlement. Additionally, N.J.A.C. 10:90-3.18(a)(2)(i) provides that retroactive SSI benefits payments are subject to recoupment so that the assistance provided during the pendency of the SSI benefits matter can be repaid. Furthermore, a contractual agreement between the State of New Jersey and the Social Security Administration ("SSA") ensures that the SSI benefits interim checks are submitted to the appropriate welfare agency for reimbursement



of the individual's welfare benefits. Specifically, N.J.A.C. 10:90-14.5(a) provides that "[a] contractual agreement between the [SSA] and the State of New Jersey provides for reimbursement to DFD for assistance granted to individuals while awaiting an initial SSI eligibility determination[.]"

An independent review of the record reflects that in April 2024, Petitioner was deemed eligible for SSI benefits, retroactive to May 1, 2022. See Exhibit R-1 at Repayment of Interim Assistance ("IA") Authorization, form WFNJ/GA-31. Since Petitioner had received public assistance while his SSI matter was pending, the SSA sent Petitioner's entire lump-sum SSI benefits check, in the amount of \$18,852.48, directly to the Agency, so that it could be reimbursed for the assistance it had provided to Petitioner between the month following Petitioner's SSI benefits eligibility date, June, 2022, through April, 2024, the month prior to when Petitioner began receiving his first monthly recurring SSI benefits payment in May, 2024. See Exhibit R-1 at Summary of Interim Assistance Payments. I take official notice of the fact that the records of this office substantiate that the Agency received the entire lump sum interim check because, on December 20, 2022, and most recently on January 5, 2024, Petitioner had signed an "Authorization for Reimbursement of Initial SSI Payment or Initial SSI Post-eligibility Payment," form WFNJ/GA-30, and an "Agreement to Repay Assistance from Initial SSI Payment," form WFNJ/GA-30A. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4).

The record further demonstrates that, during the period beginning June 1, 2022, through April 1, 2024, Petitioner received from the Agency, a total of \$31,641.00 in assistance benefits, comprised of cash assistance in the amount of \$4,844.00, EA benefits in the amount of \$13,680.00, and EA/TRA benefits in the amount of \$13,117.00 (\$4,844 + \$13,680 + \$13,117 = \$31,641.00). Exhibit R-1 at Summary of Interim Assistance Payments. Since Petitioner had received public assistance in the form of WFNJ/GA cash assistance, EA and EA/TRA benefits while his SSI matter was pending, the SSA sent Petitioner's entire retroactive lump-sum SSI benefits interim payment, in the amount of \$18,852.48, directly to the Agency so that it could be reimbursed for the assistance it had provided to Petitioner between Petitioner's SSI benefits retroactive eligibility determination date, through April, 2024, after which Petitioner began receiving recurring monthly SSI payments. Ibid.

It should be noted that, had Petitioner actually been approved for SSI benefits in May, 2022, and not retroactively approved, Petitioner's WFNJ/GA benefits, including any EA benefits, would have immediately ceased in June, 2022, because Petitioner would have become over income for receipt of WFNJ benefits due the amount of his SSI income. See N.J.A.C. 10:90-3.5(b) (stating that "[a]s long as the assistance unit's countable income is less than the applicable benefit level, WFNJ/GA financial eligibility exists. When the countable income equals or exceeds the applicable benefits level [here, \$185 and then \$277], the assistance unit is no longer eligible for WFNJ/GA benefits").

Based upon the foregoing, I find that the Agency's recoupment of Petitioner's retroactive lump-sum SSI interim benefits check, in the amount of \$18,852.48, was correct. The documentation in this matter clearly shows that Petitioner received a total of \$31,641.00 in public assistance during the time period that he was seeking SSI benefits eligibility.

Therefore, based upon applicable regulatory authority, and in accordance with documentation signed by Petitioner, acknowledging the responsibility to repay the Agency for the total amount of public assistance received after Petitioner was retroactively deemed eligible for SSI benefits, I find that the Agency properly recouped the lump-sum SSI benefits interim payment of \$18,852.48, and I hereby AFFIRM that action. The Initial Decision is modified to reflect the above analysis and findings.

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

Officially approved final version. February 18, 2025

Natasha Johnson
Assistant Commissioner

