



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 **18352-25 D.W.**

AGENCY DKT. NO. **C060703006 (CUMBERLAND 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 Work First New Jersey ("WFNJ") benefits, in the form of EA benefits, 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 September 24, 2025, at which time Petitioner failed to appeal. On October 17, 2025, the Petitioner contacted the Office of Administrative Law and requested that the hearing be rescheduled. The hearing was rescheduled for January 14, 2026, at which time Petitioner requested an adjournment to allow for the submission of additional documentation to the Agency, which adjournment was granted. On February 11, 2026, the Honorable William T. Cooper III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents into evidence, and the record then closed. On March 4, 2026, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

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, based on the discussion below.

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).

"Recipients of emergency assistance ["EA"], including those receiving [Supplemental Security Income ("SSI")], shall contribute 30 percent of their total household income towards payment of all emergency shelter arrangements, including utilities[.]" See N.J.A.C. 10:90-6.5(a).

Here, the record reflects that Petitioner began to receive EA benefits in March, 2024, at which time she executed an EA service plan ("SP"), which included an agreement to a Voluntary Restricted Payment ("VRP"), of 30 percent of her WFNJ/ Temporary Assistance for Needy Families ("TANF") grant, which would be contributed to her shelter costs. See Initial Decision at 2-3; see also Exhibit R-1 at 15-19. At the time of the execution of the SP, Petitioner was receiving, as her



sole source of income, WFNJ/TANF benefits of \$424 per month, of which 30 percent was \$127. See Initial Decision at 3; see also Exhibit R-1 at 15-19. At the time of the hearing, Petitioner testified that typically the contribution amount would be deducted from her WFNJ/TANF benefits prior to her receipt of same and that, when the amount was not deducted in December 2024, January 2025, and February 2025, she did not set aside funds to pay the contribution out of pocket. See Initial Decision at 3. The Agency representative testified that Petitioner failed to make her VRP contribution for the months of December 2024, January 2025, and February 2025, at a rate of \$127 per month, for a total of \$381. See Initial Decision at 4.

Based on the foregoing, the ALJ concluded that Petitioner agreed to a VRP contribution towards the cost of housing, which was agreed upon within the EA SP. See Initial Decision at 4-5; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-3.23(f)(1). Accordingly, 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 that the Agency's demand appropriately seeks the amount of EA benefits overpaid to Petitioner, and that Petitioner is responsible for the repayment of same. See Initial Decision at 4-5; see also N.J.A.C. 10:90-3.21(a)(1). I agree, and further note that the 30 percent VRP is required in accordance with applicable regulatory authority. See N.J.A.C. 10:90-6.5(a).

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

Officially approved final version. April 15, 2026

Natasha Johnson
Assistant Commissioner

