



State of New Jersey

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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 07694-17 .. B. A.

AGENCY DKT. NO. C028166019 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from a claimed overissuance of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. Respondent Agency attempted to recoup an overissuance of WFNJ/TANF benefits in the amount of \$988 paid to Petitioner from November of 1992, to February of 1993. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was originally scheduled for July 25, 2017, but was adjourned at Petitioner's counsel's request until August 15, 2017. On that date, the hearing was again adjourned at Petitioner's counsel's request to obtain a file, and rescheduled for October 31, 2017. However, because Petitioner was recovering from a hospital stay at that time, the hearing was rescheduled again. On December 19, 2017, the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"), held the plenary hearing, took testimony, and admitted documents into evidence. The record remained open for supplemental submissions and then closed on February 16, 2018.

On March 2, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record shows that the Agency issued a delinquency letter to Petitioner in December of 1994, advising Petitioner of an overissuance of WFNJ/TANF benefits in the amount of \$1160 due to an "administrative error." See Initial Decision at 2; see also Exhibits P-4, R-7. Petitioner testified that she did not receive the 1994 overissuance notice, however, she acknowledged having made payments on several overissuances over the years. See Initial Decision at 4; see also Exhibit P-6. Petitioner further testified that she thought she was repaying overissuances of Supplemental Nutrition Assistance Program ("SNAP") benefits. Ibid. The ALJ found that Petitioner had paid at least \$172 toward the WFNJ/TANF overissuance claim, while two other claims were paid in full. Ibid. Noting that the record showed that the Agency had received what seemed to be partial payment on the claim at issue, no evidence was presented as to why full repayment had not been sought, or, if Petitioner had subsequently received cash benefits, if there had been any offset of said benefits. See Initial Decision at 5. The ALJ also noted that no explanation had been given by the Agency for the protracted 25-year delay in the Agency's collection efforts. See id. at 4; see also N.J.A.C. 10:90-3.21(a)(12). Based on the foregoing, the ALJ found that the Agency had not met its burden in establishing that any further repayment obligation remains, and as such, the ALJ reversed the Agency's attempt to recoup the remaining \$988 from Petitioner. See id. at 5. I agree.

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

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision and following an independent review of the record, I ADOPT the ALJ's Initial Decision, and REVERSE the Agency action.

By way of comment, the transmittal in this matter reflects an additional contested issue concerning an overissuance of SNAP benefits in the amount of \$27.00. This issue was not addressed by the ALJ in the Initial Decision. While it is



unclear if the Agency would continue to pursue that overissuance, I find that because the amount at issue is less than \$125, it would not be cost effective for the Agency to pursue that particular claim. See N.J.A.C. 10:87-11.20(h)(2)(i).

By way of further comment, only one adjournment is permissible pursuant to applicable regulatory authority in DFD hearings. See N.J.A.C. 1:10-9.1(b).

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is REVERSED.

Officially approved final version.

MAR 22 2018

Natasha Johnson
Director

