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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 18476-17 J.K.

AGENCY DKT. NO. C658066007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's reduction of her Work First New Jersey/General Assistance ("WFNJ/GA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 16, 2018, the Honorable Danielle Pasquale, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 25, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

Pursuant to N.J.A.C. 10:90-2.9(a)(2)(x)(1), a person shall be determined to be unemployable by the agency, when the determination is supported by a fully completed MED-1 form. Upon presentation of documentation of un-employability, applicants and recipients shall be considered deferred from the work requirement in accordance with N.J.A.C. 10:90-4.10.

The benefit level for a WFNJ/GA benefits assistance unit that consists of one unemployable individual is \$210 per month. See N.J.A.C. 10:90-3.6(a).

Here, the record reflects that Petitioner provided the Agency with a MED-1 form, completed by a psychiatrist, indicating that Petitioner had a 12-month disability and was unable to participate in gainful employment and/or occupational training. See Initial Decision at 2; see also Exhibit R-1. Nevertheless, based on a single Behavioral Health Initiative ("BHI") meeting and a BHI report indicating that Petitioner's medical condition was stable, the Agency reduced Petitioner's WFNJ/GA benefits, finding that Petitioner was not disabled, and was employable. See Initial Decision at 3, 5; see also Exhibit R-2. However, the ALJ found that the Agency had failed to provide any evidence to substantiate its determination. See Initial Decision at 3, 5-6. Particularly, the ALJ strongly opined that one initial BHI meeting, and an assessment conducted by someone who was not a noted credentialed therapist, could not supersede the opinion of Petitioner's treating psychiatrist. Id. at 6; see also Exhibits R-1, R-2. Also, the ALJ found that the Agency had accepted Petitioner's previous MED-1 forms, beginning in 2014, with the same medical diagnosis. See Initial Decision at 2, 5. Based on the foregoing, the ALJ concluded that the Agency cannot disprove the validity of Petitioner's MED-1 form, and as such, that she is eligible for monthly WFNJ/GA benefits at the unemployable rate of \$210. Id. at 5-6; see also Exhibit R-3, and N.J.A.C. 10:90-2.9(a)(2)(x)(1), -3.6(a). Therefore, the ALJ ordered the Agency to provide Petitioner with WFNJ/GA benefits at the unemployable rate of \$210, retroactive to the date of the Agency's reduction of said benefits. See



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Initial Decision at 6; see also N.J.A.C. 10:90-3.6(a). Further, the ALJ found, and the Agency admitted, that there was no evidence that Petitioner had exhausted her lifetime limit of WNJ/GA benefits. See Initial Decision at 2, 3. I agree.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is REVERSED.

Officially approved final version.

FEB 28 2018

Natasha Johnson

Director

