



State of New Jersey

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Director

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 05624-19 D.B.

AGENCY DKT. NO. S705380009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits, contending that she had exhausted her lifetime limit of said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 15, 2019, the Honorable Andrew Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 26, 2019, 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 MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

Here, the record reflects that Petitioner has a MED-1 form which indicates that she is disabled for 12 months, and is precluded from any form of "work activity" on a sustained basis, from January 11, 2019, through January 11, 2020. See Initial Decision at 3; see also Exhibit R-2. Petitioner's MED-1 form also indicates that she can perform certain activities for one to three hours per day. Ibid. Based on Petitioner's ability to perform those certain activities, the Agency determined that Petitioner was not permanently disabled and could participate in a work activity. See Initial Decision at 2; see also Exhibit R-4 at 3. Consequently, the Agency terminated Petitioner's WFNJ/GA benefits because she had exhausted her lifetime limit of said benefits, and denied Petitioner an exemption from the WFNJ benefits lifetime limit. See Initial Decision at 2; see also Exhibits R-1, R-4 at 4, 6, and N.J.A.C. 10:90-2.3(a), -2.4. However, the ALJ found that those certain activities were indicative of some activities related to Petitioner's daily living and were not necessarily indicative of her ability to work. See Initial Decision at 2-3; see also Exhibit R-2 at 3. The ALJ also found that the Agency had failed to determine if Petitioner qualified for any part-time work activity or an exemption from the WFNJ benefits lifetime limit on a "chronically unemployable" basis. See Initial Decision at 3; see also N.J.A.C. 10:90-2.4(a)(4). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's "E[mergency] A[ssistance]" benefits was improper and must be reversed. See Initial Decision at 3; see



also Exhibit R-1. As this was not an EA benefits termination matter, and the termination of Petitioner's WFNJ/GA benefits was discussed by the ALJ throughout the Initial Decision, I find that the ALJ's conclusion was clearly a typographical error. See Initial Decision at 1-4. Accordingly, I concur with the ALJ's legal analysis, and find that the Agency's termination of Petitioner's WFNJ/GA benefits was improper and must be reversed. See Initial Decision at 3; see also Exhibit R-1. Further, based on an independent review of the record, I find that Petitioner has a valid MED-1 form, indicating that she is "permanently disabled" for a period of 12-months, and as such, she is eligible for an exemption from the WFNJ benefits lifetime limit. See Exhibit R-2; see also N.J.A.C. 10:90-2.4(a)(3). On that basis, I find that Petitioner is eligible for continued WFNJ/GA benefits, and that the Agency's denial of an exemption from the WFNJ/GA time limit was improper and must be reversed. See Exhibits R-2, R-4 at 2, 4, 6. The Initial Decision is modified to reflect these findings.

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

Officially approved final version.

AUG 31 2019

Natasha Johnson
Director

