



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
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 10683-18 M.A.

AGENCY DKT. NO. C055747006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner WFNJ/TANF benefits because 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. A hearing was initially scheduled for August 15, 2018, but was adjourned at the request of Petitioner so that she could retain counsel. The case was rescheduled for September 19, 2018, but again adjourned at the request of Petitioner so that she could have an attorney present. Finally, on October 17, 2018, after Petitioner was denied her request for another adjournment to retain counsel, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open to allow the parties to submit documentation, and then closed on December 5, 2018.

On December 26, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner has received 137 cumulative months of combined WFNJ/General Assistance ("GA") and WFNJ/TANF benefits, and as such, she has exhausted her lifetime limit of said benefits. See Initial Decision at 2; see also Exhibit R-1 at 23, 24, and N.J.A.C. 10:90-2.3(a). Petitioner applied for an exemption from the WFNJ benefits time limit, and provided the Agency with a MED-1 form completed by her physician, indicating a 12-month disability from March 19, 2018, through March 20, 2018, a requirement for such exemption. See Initial Decision at 2-3; see also Exhibit R-1 at 25, and N.J.A.C. 10:90-2.4(a)(3)(i). The record also indicates that Petitioner has a Supplemental Security Income ("SSI") appeal pending, as well as legal representation in that appeal. See Initial Decision at 7. Nevertheless, the Agency determined that Petitioner was not disabled and denied Petitioner an exemption from the WFNJ benefits time limit. *Id.* at 4; see Exhibit R-1 at 2-4, 23, and R-4.

However, the ALJ found that the Agency failed to provide any evidence to substantiate its determination, other than the testimony of a State doctor who was not proffered as an expert witness. See Initial Decision at 4-5. Specifically, the ALJ did not find the State doctor's testimony to be credible medical expert testimony because her credentials were not provided, her resume was not provided, her written report regarding Petitioner's diagnosis was not provided, she never examined Petitioner, and her determination that Petitioner was not "permanently disabled" was based upon her review of limited medical documentation. *Id.* at 4-6; see also Exhibit R-1 at 25-47. Moreover, the ALJ found that the Agency had not challenged the validity of Petitioner's previous MED-1 form, signed by the same physician, and indicating the same disabilities upon which the Agency had previously granted Petitioner an exemption from the WFNJ benefits time limit. See Initial Decision at 7; see also Exhibit R-2. The ALJ also found that there is no regulatory authority that permits the Agency to reject or otherwise not approve a properly completed MED-1 form. See Initial Decision at 9. Based on the foregoing, the ALJ concluded that pursuant to Petitioner's 12-month MED-1 form, she is permanently disabled, and as



such, is eligible for an exemption from the WFNJ benefits time limit. See Initial Decision at 10; see also Exhibit R-1 at 25, and N.J.A.C. 10:90-2.4(a)(3)(i). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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

Officially approved final version.

JAN 15 2019

Natasha Johnson
Director

