



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 15195-18 M.C.

AGENCY DKT. NO. C085265006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner challenges the correctness of the Respondent Agency's recoupment of Work First New Jersey/General Assistance ("WFNJ/GA") benefits due to an overissuance. The Agency asserts that Petitioner received WFNJ/GA benefits, to which he was not entitled, as the result of an administrative error. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 21, 2018, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 12, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner had a MED-1 form establishing that he was disabled and unable to work from September 1, 2011, through August 31, 2012, and accordingly was receiving WFNJ/GA benefits at the unemployable rate of \$210 per month. See Initial Decision at 2; see also Exhibit R-1 at 33-38, and N.J.A.C. 10:90-2.9(a)(2)(x)(1), -3.6(a). The record also reflects that the Agency continued to provide Petitioner WFNJ/GA benefits at the unemployable rate after the expiration of his MED-1 form on August 31, 2012, and that the Agency, admittedly, had not informed Petitioner of the need to provide an updated MED-1 form in order to continue receiving that rate. See Initial Decision at 2-3; see also Exhibit R-1 at 35-38. Upon learning of its administrative error in July 2018, the Agency presumed that Petitioner was employable during the time that it had continued to provide him with WFNJ/GA benefits at the unemployable rate of \$210 per month, rather than the employable rate of \$140, resulting in an overissuance of said benefits in the amount of \$980 for the months of September 2012, through October 2013. See Initial Decision at 2-3; see also Exhibit R-1 at 1-31.

The ALJ found that the Agency had made assumptions that it should not, and could not, have made, regarding Petitioner's ability to work during the months of September 2012, through October 2013. See Initial Decision at 7. Specifically, the ALJ found that Petitioner had been disabled since childhood; that his disability, to date, has not changed; and that he has never worked. See Initial Decision at 4-5, 7; see also Exhibit R-1 at 32-34. Further, the ALJ found that the Agency had erred by failing to notify Petitioner that his MED-1 form had expired, and that he was required to provide an updated MED-1 form in order to continue to receive WFNJ/GA benefits at the unemployable rate of \$210 per month. See Initial Decision at 5. The ALJ also found Petitioner credible when he testified that, had he known an updated MED-1 form was required, he would have provided one to the Agency. See Initial Decision at 4. Based on the testimony and evidence presented, the ALJ concluded that the Agency's determination that Petitioner was overissued WFNJ/GA benefits, and that he must repay same, was improper and must be reversed. See Initial Decision at 6-7; see also Exhibit R-1 at 2-5. 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.

Natasha Johnson
Director

JAN - 8 2019

