



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 **00879-23 R.F.**

AGENCY DKT. NO. **C122517003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits, contending that Petitioner failed to comply with the required WFNJ 28-day work activity, and failed to apply for Supplemental Security Income ("SSI") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 3, 2023, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), began a telephonic plenary hearing, but said hearing was adjourned to allow Petitioner the opportunity to retain counsel. Thereafter, on February 13, 2023, the ALJ held a plenary hearing via the Zoom platform, took testimony, and admitted documents. The record was held open until February 15, 2023, to allow for the submission of additional documents, and then closed on that date. On February 16, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.

In relevant part, pursuant to N.J.A.C. 10:90-2.2(a)(3), as a condition of eligibility for WFNJ cash benefits, the applicant/recipient must apply for all other assistance for which they may be eligible, including applying for SSI, and must participate in any appeals process, as appropriate.

A person shall be determined to be unemployable by the Agency, when the determination is supported by a fully completed WFNJ/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, and shall not be required to meet the WFNJ/GA 28-day work activity requirement. See N.J.A.C. 10:90-2.9(a)(2)(x)(1).

Here, the record indicates that Petitioner applied for WFNJ/GA benefits on October 20, 2022. See Initial Decision at 2; see also Exhibit R-B. As a requirement for WFNJ/GA benefits eligibility, Petitioner



was noticed that he was required to complete the mandatory WFNJ 28-day work activity, unless otherwise deferred, and that he had to apply for SSI benefits. Ibid.; see also Exhibit R-C, and N.J.A.C. 10:90-1.2(f)(8), -2.2(a)(3), -2.9(a)(2)(x)(1). The ALJ found, and the record substantiates, that Petitioner had provided the Agency with the required MED-1 form, dated April 18, 2022, indicating a 12-month disability. See Initial Decision at 3; see also Exhibit R-A. Although the Agency claimed that the MED-1 form was invalid because it was unclear whether or not Petitioner could participate in gainful employment, the ALJ found it was indeed clear from the physician's correction and initials in that relevant section of the form, that Petitioner was unable to participate in gainful employment. See Initial Decision at 3-4; see also Exhibit R-A. Moreover, the ALJ found that the Agency failed to reach out to Petitioner's physician to clarify any ambiguity in Petitioner's MED-1 form, and failed to inform Petitioner of any problem with his MED-1 form. See Initial Decision at 4-5. Accordingly, the ALJ found Petitioner had good cause for failing to comply with the 28-day work activity, as essentially, he should have been deferred from said work activity. See Initial Decision at 5; see also N.J.A.C.10:90-2.9(a)(2)(1). Further, the record reflects that Petitioner had not provided the Agency with the required proof that he had applied for SSI benefits until February 2023, nevertheless, the ALJ found that this was not the controlling issue in this matter. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/GA benefits to Petitioner was improper and must be reversed. See Initial Decision at 5; see also Exhibit R-E. I agree with the ALJ's ultimate conclusion with respect to the MED-1 form, and I therefore find that Petitioner is deferred from the WFNJ/GA work activity requirement. However, as an overall regulatory requirement for receipt of WFNJ cash benefits, Petitioner must apply for all other assistance that he may be eligible for, which includes applying for SSI benefits. See N.J.A.C. 10:90-2.2(a)(3). As such, I find Petitioner is eligible for WFNJ/GA benefits retroactive to the date of the filing of his SSI application, February 7, 2023. Ibid.; see also Initial Decision at 4. The Initial Decision is modified to reflect these findings.

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

Officially approved final version. March 2, 2023

Natasha Johnson
Assistant Commissioner

