



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 14874-18 J.E.

AGENCY DKT. NO. C682596007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA benefits contending that Petitioner failed to provide a MED-1 form. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 17, 2018, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on October 17, 2018, the ALJ issue 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.

Eligibility for WFNJ/GA cash assistance benefits shall commence after the applicant has completed a minimum of 28 days in an employment-related activity through the New Jersey Department of Labor and Workforce Development. See N.J.A.C. 10:90-1.2(f)(8). An applicant's failure to comply with the employment-related activity requirement, without good cause, shall result in a denial of the applicant's WFNJ application and a 30-day period of ineligibility. Ibid.

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 and EA benefits on August 30, 2018. See Initial Decision at 2. As a requirement for WFNJ/GA benefits eligibility Petitioner was required to complete the mandatory WFNJ 28-day work activity, unless otherwise deferred. Ibid.; see also N.J.A.C.



10:90-1.2(f)(8), -2.9(a)(2)(x)(1). However, Petitioner had not provided the Agency with the MED-1 form required for a deferral from the work activity, and it does not appear from the record that she had completed such work activity. See Initial Decision at 2. The record reflects that the Agency had first given Petitioner a MED-1 form to be completed for such deferral on October 1, 2018, and that on October 2, 2018, Petitioner's physician completed the MED-1 form and had it faxed to the Agency. Ibid.; see also "Examination Report." Petitioner's MED-1 form indicates that she is disabled, and unemployable, for a period of at least 12 months, and as such, she is deferred from the required WFNJ work activities. Ibid.; see also N.J.A.C. 10:90-2.9(a)(2)(x)(1), -4.10(a)(2). Nevertheless, on October 2, 2018, the Agency denied WFNJ/GA benefits to Petitioner, contending that she failed to provide a MED-1 form, and in accordance with regulatory authority, denied EA benefits to Petitioner because she was not a WFNJ or Supplemental Security Income benefits recipient. See Initial Decision at 2; see also "Notice" dated October 2, 2018, and N.J.A.C. 10:90-2.2(a)(5), -6.2(a). The ALJ concluded that Petitioner had provided the Agency with the required MED-1 form, and that she is unable to work for over 12 months. See Initial Decision at 3. Based on the foregoing, the ALJ reversed the Agency's denial of WFNJ/GA and EA benefits to Petitioner. Ibid.; see also "Notice" dated October 2, 2018. I agree, and direct the Agency to provide Petitioner with retroactive, and prospective, WFNJ/GA benefits. Further, the Agency is to provide Petitioner with EA benefits in the most appropriate form of emergency housing required to address the needs of Petitioner, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

By way of comment, although Petitioner's MED-1 form reflects that Petitioner will be unable to engage in gainful employment and/or occupational training indefinitely, Petitioner is hereby advised that, in order to continue to be eligible for a deferral from the WFNJ work activity, she will be required to submit an updated MED-1 form upon the expiration of her current MED-1 form, October 2, 2019.

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

Officially approved final version.

OCT 26 2018

Natasha Johnson
Director

