



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 11038-19 A.H.

AGENCY DKT. NO. C126974006 (CUMBERLAND COUNTY BD OF SOC 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 and did not qualify for an exemption from the WFNJ benefits time limit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 11, 2019, the Honorable Dorothy Incarvito-Garrabrant, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 1, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner has received 83 months of WFNJ/GA benefits, and as such, Petitioner has exhausted her lifetime limit of said benefits. See Initial Decision at 2; see also Exhibit R-1 at 29-37, and N.J.A.C. 10:90-2.3(a). The record also reflects that the Agency denied Petitioner an exemption from the WFNJ benefits time limit, contending that she did not have a valid MED-1 form as said form was completed by Petitioner's chiropractor and not a licensed physician or psychiatrist. See Initial Decision at 2; see also Exhibit R-1 at 2-4, 18-19, and N.J.A.C. 10:90-2.4(a)(3)(i). However, the ALJ found, and the Medicaid Specialist who testified on behalf of the Agency acknowledged, that the Agency is permitted to accept a MED-1 form completed by a chiropractor for purposes of determining Petitioner's eligibility for an exemption from the WFNJ benefits time limit. See Initial Decision at 2, 4-5; see also Exhibit R-1 at 14-16. Moreover, the record reflects that the Agency had accepted Petitioner's MED-1 forms from that same chiropractic group since 2016, and each time said forms were considered valid, and indicative of Petitioner's 12-month permanent disability and inability to engage in a WFNJ work activity. See Initial Decision at 2-3; see also Exhibit P-2. Based on the totality of the evidence, the ALJ concluded that Petitioner has a valid 12-month MED-1 form, and therefore, is eligible for an exemption from the WFNJ benefits time limit. See Initial Decision at 7-9; see also Exhibit R-1 at 14-16, 18-19, and N.J.A.C. 10:90-2.4(a)(3)(i). Accordingly, the ALJ also concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was improper and must be reversed. See Initial Decision at 9; see also Exhibit R-1 at 2-4. 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

Assistant Commissioner

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