



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 10656-19 I.L.

AGENCY DKT. NO. S714309009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits upon a redetermination for continued WFNJ/GA eligibility. The Agency denied Petitioner continued WFNJ/GA benefits, contending that she failed to provide it with a valid 12-month MED-1 form. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 18, 2019, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 20, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found, and the record substantiates, that at the time of Petitioner's WFNJ/GA redetermination, Petitioner had provided the Agency with a valid 12-month MED-1 form as required for an exemption from the WFNJ benefits time limit and continued WFNJ/GA benefits. See Initial Decision at 3; see also Exhibit P-1, and N.J.A.C. 10:90-2.4(a)(3)(ii), (iii). Although the Agency contended that Petitioner's MED-1 form indicated that she could work, the ALJ found that said MED-1 form clearly indicated that Petitioner was permanently disabled for a period of 12 months, thereby exempting her from the WFNJ/GA benefit time limit, and as such, that Petitioner was eligible for continued WFNJ/GA benefits. See Initial Decision at 2-3; see also Exhibit P-1, and N.J.A.C. 10:90-2.4(a)(3)(ii). Accordingly, the ALJ concluded that the Agency's denial of WFNJ/GA benefits to Petitioner was improper and must be reversed. See Initial Decision at 3; see also Exhibit P-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.

By way of comment, it appears from the record that based on Petitioner's ability to perform certain functional activities as set forth in her MED-1 form, the Agency determined that Petitioner was not permanently disabled and could participate in a work activity. See Initial Decision at 2; see also Exhibits P-1 at 2, P-5. Consequently, the Agency denied WFNJ/GA benefits to Petitioner because she had exhausted her lifetime limit of said benefits, and did not qualify for an exemption from the WFNJ benefit



lifetime limit. See Initial Decision at 2; see also Exhibit P-4. However, I find that those certain functional activities are indicative of some activities related to Petitioner's daily living and are not necessarily indicative of her ability to work. See Exhibit P-1 at 2. Moreover, this finding is supported by Petitioner's physician's determination that Petitioner is "permanently disabled" for a period of 12 months, which precludes any form of "work activity" on a sustained basis. See Exhibit P-1 at 3.

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

Officially approved final version.

OCT 22 2019

Natasha Johnson

Assistant Commissioner

