



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

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 **07483-22 P.M.**

AGENCY DKT. NO. **S480193014 (MORRIS CO. OFFICE OF TEMP ASSISTANCE)**

Petitioner appeals the correctness of the Agency's approval date for receipt of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 22, 2022, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a conference on the matter, and admitted documents. The record remained open until October 3, 2022, to allow Petitioner the opportunity to submit documents, and then closed on that date. On October 6, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby MODIFY the ALJ's Initial Decision and MODIFY the Agency's determination, as discussed below.

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). An unemployable WFNJ/GA benefits assistance unit of one may be eligible to receive cash benefits of \$277.00 per month. See N.J.A.C. 10:90-3.6(a); DFD Informational Transmittal ("IT") 19-21 at 3, 4.

Here, the ALJ found that Petitioner had failed to submit any evidence to substantiate his claim that the Agency had untimely approved him for WFNJ/GA benefits, resulting in his initial receipt of an inaccurate benefits amount. See Initial Decision at 2. The ALJ also found that Petitioner is currently receiving WFNJ/GA benefits. *Id.* at 3. Based on the evidence presented, the ALJ concluded that it could not determine if there was any inaction on the part of the Agency, such that the issuance of additional benefits to Petitioner would be warranted. *Id.* at 2-3. Accordingly, the ALJ further concluded that the Agency had correctly provided WFNJ/GA benefits to Petitioner. *Id.* at 3.



Based upon an independent review of the record, it is unclear if Petitioner is also contesting his receipt of WFNJ/GA benefits at the employable or unemployable rate, and from what point in time. See N.J.A.C. 10:90-3.5, -3.6; see also DFD Informational Transmittal (“IT”) 19-21 at 3, 4. As stated above, applicable regulatory authority requires a valid MED-1 form in order for a WFNJ benefits recipient to be deferred from the work requirement, and in the case of WFNJ/GA benefits recipients, to receive the unemployable WFNJ/GA monthly benefit amount. Ibid.; see also N.J.A.C. 10:90-4.10(a)(2), (3). I note that there appears to be a valid MED-1 form in the record, dated May 19, 2022, and faxed to the Agency on June 24, 2022. See Exhibit R-1. As such, I find that Petitioner would be eligible for the unemployable WFNJ/GA rate from the date of the MED-1 form, but not retroactively to the date of Petitioner’s WFNJ/GA benefits application on February 28, 2022. See N.J.A.C. 10:90-3.22(a)(2)(i), (ii). The Initial Decision and Agency determination are both modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency’s determination is MODIFIED, as outlined above.

Officially approved final version. October 27, 2022

Natasha Johnson
Assistant Commissioner

