



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development  
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Chris Christie  
*Governor*

Kim Guadagno  
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Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*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

AMENDED DECISION

OAL DKT. NO. HPW 15923-14 J.M.

AGENCY DKT. NO. C205388 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

On May 7, 2015, a Final Agency Decision ("FAD") was issued in this matter. This Amended FAD is being issued after reconsideration of the record in this matter. Additionally, the FAD is revised to address the termination of Petitioner's Emergency Assistance ("EA") benefits which occurred as a result of the termination of Petitioner's Work First New Jersey ("WFNJ") benefits and which was not addressed by the Administrative Law Judge ("ALJ") in this matter.

Petitioner appeals the Respondent Agency's termination of WFNJ/Temporary Assistance for Needy Family ("WFNJ/TANF") benefits because she exhausted her 60-month cumulative lifetime WFNJ benefits limit, and by extension, the termination of Petitioner's EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 19, 2015, the Honorable Sarah G. Crowley, ALJ, held a plenary hearing, took testimony, and admitted documents. On March 12, 2015, the ALJ issued an Initial Decision which affirmed the Agency determination.

Exceptions to the Initial Decision were submitted by Petitioner on April 6, 2015. A response to Petitioner's exceptions was submitted by the Agency on April 8, 2015.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the record in this matter, the parties' post-hearing summations, the ALJ's Initial Decision and the Exceptions filed by both parties, and having made an independent evaluation of same, I hereby REJECT the Initial Decision, REVERSE the Agency determination and REMAND the matter to the Agency as outlined below.

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In this particular matter, Petitioner asserts that she was eligible for an exemption of the 60-month cumulative lifetime limit of WFNJ benefits based upon a "permanent disability" supported by a series of five MED-1 forms which indicate cumulatively that she was unable to work for 12 months or more. See Petitioner's February 19, 2015 Post-Hearing Summation ("Petitioner's summation") at 2-3; see also N.J.A.C. 10:90-2.4(a)(3)(i). Petitioner maintains that her physician would not provide her with a MED-1 for more than a six month period due to a purported policy of the particular health care provider. See Petitioner's summation at 3. This hearsay assertion, however, is not sufficient to establish that the provider would otherwise consider Petitioner unable to work for a continuous period of 12 months or more, thereby deeming Petitioner "permanently disabled" in this matter and there is no indication in the record that the Agency contacted the provider in this matter to determine if Petitioner's condition is expected to actually last 12 months or more.

I note that there is no indication that Petitioner has a current MED-1. As such, I hereby direct that Petitioner obtain a new MED-1 form and to provide same to the Agency within 60 days of the date of this Final Decision. If the new MED-1 form is for a period of less than 12 months in duration, I further direct the Agency to contact the provider in this matter to determine if Petitioner's condition is expected to actually last 12 months or more and to then proceed accordingly as outlined in DFD Instruction ("DFDI") 11-06-03. See DFDI 11-06-03 at 4-5.

In the interim, I further direct and order the Agency to provide Petitioner with continued assistance of her WFNJ/TANF and EA benefits until such time as the Agency determines if the newly submitted MED-1 form will qualify Petitioner for an exemption from the 60-month cumulative lifetime limit of WFNJ benefits. Petitioner shall execute a new EA service plan in conjunction with the continued benefits being provided.

By way of comment, while Petitioner's counsel indicates that Petitioner has applied for Supplemental Security Income ("SSI") benefits, see Petitioner's summation at 3, there is nothing to support that in the record before me. As such, Petitioner is to provide the Agency with a copy of such documentation, if not already so provided, and provide periodic updates on the status of Petitioner's SSI application.

Accordingly, the Initial Decision is REJECTED, the Agency determination is REVERSED and the matter REMANDED to the Agency for action as outlined above.

*Signed Copy on File*  
at DFD, BARA

JUN 10 2015

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Natasha Johnson  
Director