

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL
DISABILITIES

P.M.,

Petitioner,

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

v.

OAL DKT. NO. HDD 8034-16

Division of Developmental Disabilities

Respondent.

As Acting Assistant Commissioner of the Division of Developmental Disabilities (Division), I have reviewed the record in this matter, consisting of the Initial Decision, the Office of Administrative Law (OAL) case file and documents in evidence.

This matter involves the determination of P.M.'s eligibility to receive Division of Developmental Disabilities (Division) services. The Division denied P.M.'s application for eligibility on the basis of its determination that his impairments predominantly stemmed from his mental health diagnoses and did not result in three or more substantial functional limitations. P.M. appealed.

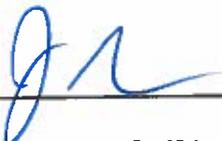
Pursuant to statute, individuals who are developmentally disabled are eligible to receive Division services. N.J.S.A. 30:6D-25(e). Developmental disability is defined, in part, as a severe, chronic disability of an individual that is attributable to a mental or physical impairment or combination of mental or

physical impairments, is manifest before age 22, and is likely to continue indefinitely. N.J.A.C. 10:46-1.3. The disability must result in substantial functional limitations in three or more areas of major activities of daily living, namely: self-care; receptive and expressive language; learning; mobility; self-direction; capacity for independent living; and economic self-sufficiency. *Id.*

Based upon the facts and evidence presented, the Initial Decision (ID) found that P.M. has Asperger's disorder and concluded that his limitations are attributable to his Asperger's disorder, rather than to mental illness. The ID also concluded that P.M. is substantially functionally limited in three areas, namely economic self-sufficiency, self-direction and capacity for independent living. The ID ultimately concluded that P.M. is eligible for Division services.

Upon review of the totality of the evidence reflected in the record, I **ADOPT** the Initial Decision's conclusion that P.M. has a developmental disability that results in substantial functional limitations in in the areas of self-direction, capacity for independent living, and economic self-sufficiency and is therefore eligible for Division services.

This is my Final Decision.



Jonathan S. Seifried
Acting Assistant Commissioner
Division of Developmental Disabilities

Dated: 11/2/17