



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 13401-15 R.O.

AGENCY DKT. NO. c051018 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's reduction of his Work First New Jersey/General Assistance ("WFNJ/GA") benefit amount. The Agency reduced Petitioner's WFNJ/GA benefit amount contending that his MED-1 form was only for five months. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 19, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until October 20, 2015, to allow the Agency to submit front desk logs.

On October 21, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination. The record shows that Petitioner was receiving WFNJ/GA benefits at the unemployable rate of \$210 per month, from October 29, 2014, to June 30, 2015, due to a six-month disability, as substantiated by a MED-1 form. See Initial Decision at 2; see also N.J.A.C. 10:90-3.6(a). The record further indicates that Petitioner visited his doctor on June 29, 2015, and, at Petitioner's request, the Agency sent a MED-1 form to Petitioner's doctor on August 3, 2015. Ibid. On or about August 3, 2015, Petitioner's doctor returned Petitioner's MED-1 form indicating a six-month disability from June 29, 2015, to January 1, 2016, to the Agency. Ibid. However, because the Agency did not receive Petitioner's completed MED-1 form until August 3, 2015, the Agency reduced Petitioner's WFNJ/GA benefits to the WFNJ/GA regular employable rate of \$140, contending that Petitioner's MED-1 form now indicated only a five-month disability, from August 3, 2015, to January 1, 2016, as calculated from the date of receipt of the MED-1. Id. at 3; see N.J.A.C. 10:90-2.9.

The ALJ found that Petitioner's MED-1 form indicates a six-month disability, and clearly relates back to the time of Petitioner's last exam on June 29, 2015. Therefore, the ALJ concluded that Petitioner is eligible for the WFNJ/GA unemployable rate of \$210. See Initial Decision at 6; see also N.J.A.C. 10:90-3.6(a). Additionally, the ALJ found that N.J.A.C. 10:90-2.9 does not support the Agency's contention that Petitioner's time of disability is to be calculated from the date his MED-1 form was submitted to the Agency. See Initial Decision at 3-6. Therefore, the ALJ found that the Agency improperly reduced Petitioner's WFNJ/GA benefits, and ordered that Petitioner be awarded WFNJ/GA benefits at the unemployable rate of \$210, retroactive to July 1, 2015. Id. at 7; see also N.J.A.C. 10:90-3.6(a).

Additionally, the ALJ found that the notice sent to Petitioner by the Agency was defective because it provided no reason for the Agency's reduction of his WFNJ/GA benefits, other than to state that his WFNJ/GA benefits were being reduced to \$140. See Initial Decision at 6-7. Accordingly, the ALJ reversed the Agency's determination on that basis.

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 in this matter.

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

NOV 19 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director