



State of New Jersey

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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 02305-18 H.M.

AGENCY DKT. NO. C468311007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's determination that Petitioner is able to participate in a full-time work activity and that Petitioner's Work First New Jersey/General Assistance ("WFNJ/GA") monthly benefits would continue at the employable rate of \$140. The Agency's determination was based on a recent assessment, which concluded that Petitioner may be able to participate in a full-time work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 12, 2018, the Honorable Barry E. Moscovitz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On that same date, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner has a 12-month MED-1 form, dated October 19, 2017, completed by a physician, indicating that Petitioner is unable to participate in gainful employment and/or occupational training until November 1, 2018. See Initial Decision at 3; see also Exhibit R-1. However, based on an Agency-referred Behavioral Health Initiative assessment which states that, "[t]he client may be able to participate in a full time work activity," the Agency determined that Petitioner is able to work, and that her monthly WFNJ/GA benefit amount would, therefore, remain at the employable rate of \$140. See Initial Decision at 4; see also Exhibits R-2, R-3, and N.J.A.C. 10:90-3.5(b), -4.10(a)(2). Based on the foregoing, the ALJ concluded that the Agency's determination that Petitioner could participate in a full-time work activity, and that Petitioner's monthly WFNJ/GA benefit amount should remain at \$140, were proper and must stand. See Initial Decision at 4; see also Exhibit R-3, and N.J.A.C. 10:90-3.5(b), -4.10(a)(2). 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.

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

Officially approved final version.

APR 19 2018

Natasha Johnson  
Director

