



State of New Jersey

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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

FINAL DECISION

OAL DKT. NO. HPW 08707-18 S.T.

AGENCY DKT. NO. S921447009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits contending that Petitioner's MED-1 form was invalid. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 12, 2018, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 17, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

Eligibility for WFNJ/GA benefits shall commence after the applicant has completed a minimum of 28 days in an employment-related activity through the New Jersey Department of Labor and Workforce Development. See N.J.A.C. 10:90-1.2(f)(8).

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).

Here, the record indicates that Petitioner suffers from a severe heart condition requiring a heart transplant, as substantiated on his MED-1 form, as well as in a letter from his attending Nurse Practitioner. See Initial Decision at 3; see also Exhibits R-1, P-1. However, Petitioner's MED-1 form failed to indicate the duration of Petitioner's disability, and as a result, the Agency considered Petitioner's MED-1 form incomplete and invalid, and consequently, denied Petitioner WFNJ/GA benefits, presumably for a failure by Petitioner to participate in the required WFNJ work activity. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-1.2(f)(8), -2.9(a)(2)(x)(1).

However, the ALJ found that Petitioner's MED-1 form clearly indicated the severity of Petitioner's medical condition; and that the duration of his disability, marked "unknown" clearly indicated that Petitioner's ability to engage in a work activity was indefinitely prolonged. See Initial Decision at 2-4; see also Exhibit R-1. Moreover, the ALJ found that the Agency failed to reach out to Petitioner's Nurse Practitioner to clarify any ambiguity regarding the duration of Petitioner's disability. See Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/GA benefits to Petitioner was unreasonable, arbitrary and capricious, and must be reversed. *Id.* at 4. Further, the ALJ



ordered the Agency to provide Petitioner with WFNJ/GA benefits retroactive to March 2018, the date of Petitioner's application for said benefits. Id. at 5; see also N.J.A.C. 10:90-2.9(a)(2)(x)(1). I agree.

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

Officially approved final version.

AUG 31 2018

Natasha Johnson

Director

