



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 **07927-23 J.S.**

AGENCY DKT. NO. **C440407007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of an exemption from the Work First New Jersey ("WFNJ") benefits lifetime limit. The Agency denied Petitioner an exemption from the WFNJ benefits lifetime limit contending that she did not have a timely submitted, valid MED-1 form. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The case was initially scheduled for a telephonic fair hearing on October 18, 2023. See Initial Decision at 2. After conferencing the matter, the hearing was adjourned, and thereafter rescheduled for numerous subsequent hearing dates, including November 17, 2023, December 15, 2023, December 19, 2023, January 12, 2024, and January 24, 2024. Ibid. On February 16, 2024, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held the plenary hearing via Zoom, took testimony, and admitted documents. The record was held open to allow the parties to submit written closing statements and then closed on February 23, 2024. On February 28, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on March 6, 2024.

As Assistant Commissioner, 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 hereby MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND to the Agency for action, based on the discussion below.

"Eligibility for cash assistance benefits shall be limited to a lifetime total of 60 cumulative months for an adult individual." See N.J.A.C. 10:90-2.3(a). "At the end of an individual adult recipient's 60 cumulative months of receipt of cash assistance, the assistance unit shall no longer be eligible to receive [WFNJ] assistance." N.J.A.C. 10:90-2.3(a) (1). However, an individual may receive additional months of cash assistance if he/she qualifies for an exemption to, or extension of, the time limit, as set forth at N.J.A.C. 10:90-2.4 and -2.5 respectively. In relevant part, a recipient is exempt from the 60-month cumulative lifetime WFNJ limit if a "physical or mental impairment, defect or injury prevents him or her from engaging in full-time employment for a period of 12 or more months ... on a minimum of one WFNJ/MED-1, Examination Report." N.J.A.C. 10:90-2.4(a)(3)(i).

Based on an independent review of the record in this matter, it is clear that Petitioner has exceeded the 60-month lifetime limit for WFNJ benefits, and therefore, any additional months of WFNJ cash assistance is dependent upon an exemption or extension from the time limit. See Initial Decision at 3. For an exemption from the time limit, Petitioner needs a valid MED-1 form, showing at least 12 months of disability. See N.J.A.C. 10:90-2.4(a)(3)(i). It is clear that earlier MED-1s, submitted by Petitioner's physician, were deficient, and therefore properly denied by notice dated February 14, 2023. See Exhibits R-1 through R-4. The notice dated February 14, 2023, advised Petitioner that a new MED-1 form, completed by her physician, could be submitted no later than February 28, 2023. See Exhibit R-4. Another MED-1, fully



completed, with all previously missing information, is dated February 24, 2023 and appears in the documents entered into evidence by both the Agency and Petitioner's counsel. See Exhibits R-11 and P-2(c). While the Agency claims that it did not receive this revised MED-1 via facsimile, see Exhibit R-6, the record does reflect that Petitioner contacted her Agency representative on February 24, 2023, advising that the revised MED-1 was being faxed. See Exhibit R-13 at 3. Furthermore, while it remains unclear exactly when, and how, the Agency received the fully completed MED-1, it is dated February 24, 2023, and as such, I find that in accordance with N.J.A.C. 10:90-4.10(b)(2)(i), the "extenuating circumstances causing the delay" in this matter, should not be held against Petitioner. As such, I am remanding this matter to the Agency to review the fully completed MED-1 form dated February 24, 2023. If approved, Petitioner shall be provided with retroactive WFNJ/GA benefits from February 24, 2023, to February 17, 2024, the date on the MED-1 form, as appropriate. See N.J.A.C. 10:90-9.10(c). Petitioner is advised that, if she has not already done so, she must reapply for WFNJ/GA benefits, and submit a new, updated MED-1 for any further exemption from the WFNJ lifetime limit.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED and REMANDED to the Agency for action, as outlined below.

Officially approved final version. June 05, 2024

Natasha Johnson
Assistant Commissioner

