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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 01155-18 D.A.

AGENCY DKT. NO. C276780016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, seeking reimbursement for 3 months of retroactive WFNJ/GA benefits. The Agency denied Petitioner's application for an exemption from the 60-cumulative-month time limit for receipt of WFNJ/GA benefits contending that Petitioner's physician did not provide sufficient information to indicate that Petitioner's diagnosis prevented him from participating in a work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 22, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 1, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that effective June 1, 2017, Petitioner had exceeded the 60-cumulative-month lifetime limit for receipt of WFNJ/GA benefits. See Initial Decision at 2; see also Exhibit R-4, and N.J.A.C. 10:90-2.3(a). On June 7, 2017, Petitioner's physician submitted a MED-1 form indicating a disability from June 7, 2017, through June 7, 2018, in support of an exemption from the 60-cumulative-month lifetime limit of WFNJ benefits. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-2.4(a)(3), and -4.10(a)(2). On September 25, 2017, the Agency denied Petitioner's application for WFNJ/GA benefits, effective July 1, 2017, contending that the information on Petitioner's MED-1 form was insufficient in establishing that Petitioner was unable to participate in a work activity. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-4.10(a)(2). On October 13, 2017, Petitioner requested that his physician submit a follow-up letter to the Agency in support of his MED-1 form. See Initial Decision at 2; see also Exhibit R-3. Thereafter, on October 26, 2017, the Agency granted Petitioner an exemption from the WFNJ work activity and from the WFNJ benefits time limit, with an effective date retroactive to October 1, 2017. See Initial Decision at 2. The record further reflects that no testimony, evidence, or explanation was provided by the Agency as to why Petitioner's MED-1 form was initially denied. *Id.* at 4. Moreover, the Agency did not dispute that the delay in processing Petitioner's application for a medical exemption was not the fault of Petitioner, and the Agency also did not dispute that Petitioner's medical condition precluded him from seeking employment during the three-month delay in processing his application. *Ibid.* Based on the foregoing, the ALJ concluded that the Agency's denial of Petitioner's initial application for a WFNJ benefits time limit exemption was improper, and that Petitioner must receive WFNJ/GA benefits for the three months that his application was being processed. *Id.* at 5; see also Exhibit R-2, and N.J.A.C. 10:90-2.4(a)(3), -4.10(a)(2). I agree.

No Exceptions to the Initial Decision were received.



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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.

By way of comment, because I concur with the ALJ's finding, the Agency is directed to provide retroactive WFNJ/GA benefits to Petitioner for the months of July, August, and September, 2017.

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

Officially approved final version.

APR 09 2018

Natasha Johnson

Director

