



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
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 04195-18 J.G.

AGENCY DKT. NO. C284691007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, upon a redetermination for receipt of continued WFNJ/GA benefits. The Agency denied Petitioner WFNJ/GA benefits contending that she failed to provide requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 9, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 30, 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.

Here, the record reflects that Petitioner has received at least 78 months of WFNJ/GA benefits, and as such, she has exhausted her lifetime limit of WFNJ/GA benefits, and must qualify for an exemption from the WFNJ/GA benefits time limit in order to receive additional WFNJ/GA benefits. See Exhibit R-1 at 5-6, 8; see also N.J.A.C. 10:90-2.3, -2.4(a)(3).

Petitioner had provided the Agency with a MED-1 form required to determine her continued eligibility for said benefits.

See Initial Decision at 3; see also Exhibits R-1, and N.J.A.C. 10:90-2.4(a)(3). However, the Agency denied Petitioner an exemption from the WFNJ/GA benefits time limit, and hence, denied continued WFNJ/GA benefits, because she failed to provide the Agency with requested medical documentation on disk. See Initial Decision at 2-3; see also Exhibit R-1 at 7-10, and N.J.A.C. 10:90-2.2(a)(5), -2.3. Petitioner testified that her physician would only provide the medical documentation via email or fax, and when Petitioner attempted to deliver copies of her entire set of medical records, the Agency refused to accept them. See Initial Decision at 2-3; see also Exhibit P-7. The ALJ found that Petitioner had indeed attempted to comply with the Agency's request for documents, and that the Agency's refusal to accept paper records, in lieu of a disk, was unreasonable. See Initial Decision at 3. Moreover, the record reflects that in its January 10, 2018, request for medical documentation, the Agency did not require Petitioner to submit her medical records on disk. See Exhibit R-1 at 12. Based on the foregoing, the ALJ concluded that the Agency improperly denied WFNJ/GA benefits to Petitioner. See Initial Decision at 3; see also Exhibit R-1 at 7-10.

While I agree with the ALJ that the Agency improperly denied Petitioner WFNJGA benefits based on the facts presented, and that the Agency must accept Petitioner's medical records in paper form, I find that Petitioner's eligibility for an exemption from the WFNJ/GA benefits time limit, and receipt of continued WFNJ/GA benefits, is contingent upon the Agency first having the opportunity to review Petitioner's MED-1 form and medical records. See Initial Decision at 3; see also N.J.A.C. 10:90-2.4(a)(3). If, after review of Petitioner's documentation, the Agency determines that Petitioner



is ineligible for continued WFNJ/GA benefits, it may deny Petitioner said benefits and Petitioner may request another fair hearing on that denial. See N.J.A.C. 10:90-2.4(a)(3), -4.10(a)(2).

By way of comment, Petitioner is directed to provide her medical documentation in paper form to the Agency, and the Agency is directed to accept same.

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

SIGNED

Officially approved final version.

MAY 22 2018

Natasha Johnson
Director

