



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 14354-17 L.M.

AGENCY DKT. NO. C473579007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's determination that she is employable, and therefore eligible for Work First New Jersey/General Assistance ("WFNJ/GA") benefits at the employable rate of \$140, rather than the unemployable rate of \$210. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 24, 2017, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 28, 2017, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on January 18, 2018.

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.

Pursuant to N.J.A.C. 10:90-2.9(a)(2)(x)(1), a person shall be determined to be unemployable by the agency, when the determination is supported by a fully completed 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.

The benefit level for a WFNJ/GA assistance unit that consists of one unemployable individual is \$210 per month. See N.J.A.C. 10:90-3.6(a).

Here, the record reflects that Petitioner provided the Agency with a MED-1 form, completed by a physician retained by the State, indicating a 12-month disability, and that Petitioner was unable to participate in gainful employment and/or occupational training. See Initial Decision at 2; see also Exhibit J-1. Nevertheless, the Agency determined that Petitioner was not disabled, and therefore employable. See Initial Decision at 3; see also Exhibit J-2. However, the ALJ found that the Agency failed to provide any evidence to substantiate its determination, other than its opinion. See Initial Decision at 3-4. Based on the foregoing, the ALJ concluded that pursuant to Petitioner's 12-month MED-1 form, she is unable to participate in a full-time work activity, and as such, is eligible for a deferment from the WFNJ work activity. *Id.* at 4; see also Exhibit J-1, and N.J.A.C. 10:90-2.9(a)(2)(x)(1). I agree. Further, I find that the Agency should provide Petitioner with WFNJ/GA benefits at the unemployable rate of \$210, retroactive to July 13, 2017, the date of her MED-1 form. See Exhibit J-2; see also N.J.A.C. 10:90-3.6(a).

By way of comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.



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

Officially approved final version.

Natasha Johnson

Director

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