



## 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 16063-17 R.B.

AGENCY DKT. NO. C276912007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's reduction of his Work First New Jersey/General Assistance ("WFNJ/GA") monthly benefits amount from the unemployable rate of \$210 to the employable rate of \$140, its termination of Petitioner's exemption from the WFNJ/GA benefits lifetime limit, and its termination of Emergency Assistance ("EA") benefits. The Agency reduced Petitioner's WFNJ/GA monthly benefits amount, and terminated his exemption from the WFNJ/GA benefits time limit, contending that a recent assessment had determined that he was work ready. The Agency terminated Petitioner's EA benefits contending that he had exhausted his lifetime limit of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 27, 2017, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 12, 2017, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on December 22, 2017.

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 MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination.

Under the WFNJ regulations, EA benefits are limited to 12 cumulative months during the lifetime of a case, plus limited extensions. See N.J.A.C. 10:90-6.4(a) and -6.4(b). A WFNJ/GA benefits recipient may qualify for up to an additional six months of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(c). Thus, the maximum amount of EA benefits that a WFNJ/GA benefits recipient may receive is 18 months.

Here, the record reflects that Petitioner has received 62 months of WFNJ/GA benefits and 38 months of EA benefits. See Initial Decision at 2; see also Exhibits P-4, R-3. The record also reflects that Petitioner has a MED-1 form indicating a 12-month disability effective September 7, 2017, through September 11, 2018, which states that Petitioner is unable to participate in gainful employment and/or occupational training for 12 months. See Initial Decision at 2-3; see also Exhibit P-3. Nevertheless, based on Agency-referred Substance Abuse Initiative/Behavioral Health Initiative assessment letters indicating that Petitioner is work ready, the Agency determined that Petitioner was able to work, determined that he was no longer eligible for an exemption from the WFNJ/GA benefits work deferral or time limit, and reduced his WFNJ/GA monthly benefits from the unemployable rate of \$210, to the employable rate of \$140, effective October 31, 2017. See Initial Decision at 3; see also Exhibits P-1, P-4, R-4, and N.J.A.C. 10:90-2.3(a), -2.4(a)(3), -3.5(b), -3.6(a), -4.10(a).

However, the ALJ found that the Agency failed to provide any authority for its rejection of Petitioner's MED-1 form and, that its jurisdiction is limited to enforcement of a properly completed MED-1 form. See Initial Decision at 3-5; see also N.J.A.C. 10:90-4.10(a). Based on the foregoing, the ALJ concluded that the Agency's reduction of Petitioner's WFNJ/



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GA benefits, and its requirement that Petitioner attend a work activity, were improper and must be reversed. See Initial Decision at 5; see also Exhibit P-1, and N.J.A.C. 10:90-3.6(a), -4.10(a). I agree.

Further, the ALJ found that the Agency's termination of Petitioner's EA benefits based on its invalidation of his MED-1 form and subsequent denial of a WFNJ/GA benefits work deferral, was improper and must be reversed. See Initial Decision at 5; see also Exhibit R-1. While I concur with the ALJ's ultimate conclusion that the Agency wrongfully terminated Petitioner's EA benefits, I disagree with the ALJ's legal analysis. See Initial Decision at 5. The ALJ has determined that Petitioner has a valid 12-month MED-1 form, and the record reflects that Petitioner has a Supplemental Security Income benefits claim pending appeal. Therefore, although Petitioner has exhausted his lifetime limit of EA benefits, I find that Petitioner is eligible for EA benefits pursuant to the Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. See Initial Decision at 2, 3; see also Exhibits P-3, P-5, R-3, and N.J.A.C. 10:90-6.4(a), (b), (c), -6.9(a). The Initial Decision is modified to reflect this finding.

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.

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

Officially approved final version.

**JAN 31 2018**

Natasha Johnson  
Director

