



State of New Jersey

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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 13383-18 L.P.

AGENCY DKT. NO. C132434020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, contending that she had exhausted her lifetime limit of said benefits and did not qualify for an exemption from the WFNJ benefits time limit. The Agency terminated Petitioner's EA benefits because she was no longer a WFNJ/TANF benefits recipient, and was not a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for October 19, 2018, but was adjourned at the request of the Agency. The case was rescheduled for October 30, 2018, but was again adjourned at the request of Petitioner. Finally, on November 14, 2018, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open to allow the parties to submit additional documentation. On November 15, 2018, the Agency submitted documents. Petitioner did not submit any additional documentation, and the record then closed on December 14, 2018.

On January 16, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner has received 121 months of WFNJ/TANF benefits, and as such, she has exhausted her lifetime limit of said benefits. See Initial Decision at 2; see also Exhibit R-1 at 3-18, and N.J.A.C. 10:90-2.3(a). Petitioner applied for an exemption from the WFNJ benefits time limit, and provided the Agency with a MED-1 form, completed and signed by her physician, indicating that Petitioner had a 12-month disability, and that she was unable to participate in any WFNJ work activity or training. See Initial Decision at 2-3; see also Exhibit R-1 at 21-22, and N.J.A.C. 10:90-2.4(a)(3)(i). However, based on several Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") reports from an outside Agency vendor, which stated that Petitioner's medical condition was "currently stable," and based on the fact that Petitioner worked as a home health aide in August 2018, the Agency determined that Petitioner was not disabled, and denied Petitioner an exemption from the WFNJ benefits lifetime limit. See Initial Decision at 3-4; see also Exhibit R-1 at 19-20, 23-26, and 29-32.

The ALJ found that, although the Agency has the responsibility to approve or deny a deferral from the WFNJ work activity, pursuant to N.J.A.C. 10:90-4.10(a)(2), no such responsibility or authority exists in the regulatory scheme governing exemptions from the WFNJ benefits time limit. See Initial Decision at 6-8; see also N.J.A.C. 10:90-2.4. Further, the ALJ found that, based on the plain language of the regulatory authority governing such exemptions, Petitioner is eligible for an exemption by virtue of her 12-month MED-1 form, and that neither a medical consultant, nor an agency worker, are authorized to question the judgment of an attending physician where the submitted MED-1 form complies with the regulatory requirements. See Initial Decision 5-6; see also N.J.A.C. 10:90-2.4(a)(3)(i). Moreover, the ALJ found that Division of Family Development ("DFD") Instruction No. 15-01-04, provided guidance to the Agency regarding MED-1



form reviews, and stated in pertinent part, that the Agency staff "should not question any diagnoses, diagnostic codes, or the credentials of any healthcare professionals entered on the MED-1." Stated differently, the ALJ found that the Agency may only evaluate a MED-1 form for "completeness," or "fraud," not for medical accuracy or medical judgment. See Initial Decision 8-9. The ALJ also found Petitioner credible when she testified that the hours she worked in August 2018, were required to maintain her home health aide license, and that she had reported this employment to the Agency. See Initial Decision at 3. Of note, regulatory authority governing the WFNJ benefits time limit exemption permits an individual to work part-time, if able. See N.J.A.C. 10:90-2.4(a)(3)(ii). Based on the foregoing, the ALJ concluded that Petitioner satisfies the definition of a "permanently disabled individual," who "shall be exempted" from the WFNJ benefits time limit pursuant to N.J.A.C. 10:90-2.4(a)(3), and is therefore eligible for continued WFNJ/TANF benefits. See Initial Decision at 8-9. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits, and its denial of an exemption from the WFNJ benefits time limit, were improper and must be reversed. Id. at 9; see also Exhibit R-1 at 29-32. I agree.

Additionally, inasmuch as Petitioner was found eligible for WFNJ/TANF benefits, the ALJ also found that because the Agency's termination of Petitioner's EA benefits was based solely on the fact that she was no longer a WFNJ benefits recipient, said EA benefits termination must also be reversed. See Initial Decision at 2, 9; see also Exhibit R-1 at 29-32. I also agree.

No Exceptions to the Initial Decision were received.

As the Director of DFD, 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, the transmittal in this matter indicates an additional contested issue regarding a termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. However, since that issue was not addressed in the Initial Decision, it has not been addressed in this Final Agency Decision. Therefore, if Petitioner still has an issue regarding a termination of SNAP benefits, she may request another hearing that issue alone.

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

Officially approved final version.

Natasha Johnson
Director

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