



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 10653-19 M.U.

AGENCY DKT. NO. C253283007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits, contending that she failed to provide required documentation and failed to complete the required WFNJ 28-day work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 21, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 5, 2019, the ALJ issued an Initial Decision, affirming 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 MODIFY the ALJ's Initial Decision, and AFFIRM in part, and REVERSE in part, the Agency's determination, based on the discussion below.

WFNJ/GA benefits recipients who are unable to engage in regular work activities due to chronic illness and/or a physical or mental disability or impairment, may be deferred from the mandatory work requirement upon presentation of a 12-month MED-1 form, or upon presentation of a MED-1 form for any period of less than 12 months. See N.J.A.C. 10:90-4.10(a)(2), (3).

Here, the ALJ had found that Petitioner failed to provide the Agency with the documentation required to determine Petitioner's eligibility for WFNJ/GA benefits, without good cause. See Initial Decision at 2-3; see also Exhibit R-1 at 9. The ALJ also found that Petitioner failed to complete the required WFNJ 28-day work activity, and that she did not have a 12-month MED-1 form deferring her from participation in said work activity. See Initial Decision at 2-3. Based on the foregoing, the ALJ concluded that Petitioner is ineligible for WFNJ/GA benefits, and that the Agency's July 22, 2019, denial of said benefits to Petitioner was proper and must stand. *Id.* at 3; see also Exhibit R-1 at 1-5, and N.J.A.C. 10:90-2.2(a) (5), -2.9.

I agree with the ALJ's finding that Petitioner failed to provide the Agency with required documentation, and on that basis affirm, the Agency's denial of WFNJ/GA benefits to Petitioner is affirmed. See



Initial Decision at 3; see also Exhibit R-1 at 1-5, and N.J.A.C. 10:90-2.2(a)(5). However, applicable regulatory authority does not necessarily require a 12-month MED-1 form in order to qualify for a deferral from a mandatory WFNJ work activity, as determined by the Agency. See N.J.A.C. 10:90-4.10(a)(2), (3). Rather, applicable regulatory authority also allows for a deferral from the work activity upon presentation of a MED-1 form for "any period of less than 12 months." Ibid. Here, Petitioner had provided the Agency with a MED-1 form on July 18, 2019, indicating a five-month disability, which appears valid, and as such, would qualify Petitioner for a deferral from the required WFNJ 28-day work activity. See Initial Decision at 3; see also Exhibit R-1 at 10. Based on the foregoing, the Agency's denial of WFNJ/GA benefits, on the basis that Petitioner failed to comply with said work activity, is reversed. See Exhibit R-1 at 1-5. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED in part, and REVERSED in part, as outlined above.

Officially approved final version.

OCT - 4 2019

Natasha Johnson

Assistant Commissioner

