



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Assistant Commissioner*

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 03704-20 J.F.

AGENCY DKT. NO. C166755015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA benefits, contending that he failed to comply with the required WFNJ 28-day protocol, without good cause, and denied Petitioner EA benefits because he was not a WFNJ or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 16, 2020, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 17, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that on February 5, 2020, Petitioner had been advised that he was required to begin his mandatory WFNJ 28-day work activity on February 13, 2020, in order to be eligible for WFNJ/GA benefits, or if he was medically unable to participate in such work activity, he was to provide the Agency with a MED-1 form by February 15, 2020, indicating his disability. See Initial Decision at 2, 7; see also Exhibits R-2, R-3, and N.J.A.C. 10:90-4.1(a)(1). The ALJ also found that Petitioner had failed to attend the February 13, 2020, work activity and had failed to provide the Agency with a MED-1 form excusing him from such activity within the time frame required. See Initial Decision at 4, 7; see also Exhibit R-4. The record reflects that, after the Agency had already denied Petitioner WFNJ/GA and EA benefits for failure to comply with the 28-day work activity, without good cause, Petitioner provided it with a MED-1 form on March 10, 2020. See Initial Decision at 3-4, 7; see also Exhibits R-5, R-6, and R-7, and N.J.A.C. 10:90-2.2(a)(2), -6.2(a). Although Petitioner's MED-1 form indicated a diagnosis of left side weakness, due to a recent stroke, limiting his ability to work, it also indicated that Petitioner could participate in clerical work. See Initial Decision at 3-4, 7; see also Exhibit R-7. Nevertheless, the ALJ found, and the record substantiates, that Petitioner also suffered from mental health issues, of which the Agency had been aware, that inhibited Petitioner's ability to comply with the mandatory work activity, and as such, the ALJ found that Petitioner had good cause for failing to comply with said work activity. See Initial Decision at 3-4; see also Exhibits P-1, P-2, and P-3. Based on the foregoing, the ALJ concluded that the Agency's denial of WFNJ/GA and EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 7-8; see also Exhibits R-5, R-6, and N.J.A.C. 10:90-4.11(a)(1), -6.1(c). I agree.



Exceptions to the Initial Decision were filed by the Agency on March 19, 2020.

As Assistant Commissioner, Division of Family Development, 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, as I agree with the ALJ's conclusion, I find that Petitioner is to be provided with WFNJ/GA benefits and EA benefits retroactive to February 5, 2020, the date of Petitioner's application for WFNJ/GA and EA benefits. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-1.2(f) (8). Further, the Agency is directed to refer Petitioner to the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program. See Initial Decision at 3-4, 7; see also Exhibits P-1, P-2, P-3, and N.J.A.C. 10:90-18.1 et seq.

By way of further comment, Petitioner is directed to provide the Agency with a MED-1 form which addresses his mental health disabilities, within a reasonable time, taking into consideration the national health crisis limitations we are faced with at this time. Failure to do so may result in the termination of his WFNJ/GA and EA benefits.

Also 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 ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version.

**MAR 25 2020**

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Natasha Johnson

Assistant Commissioner

