



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 17838-19 M.S.

AGENCY DKT. NO. C014731006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's sanctioning of Work First New Jersey/General Assistance ("WFNJ/GA") benefits and the sanction/termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency sanctioned Petitioner's WFNJ/GA benefits and sanctioned/terminated Petitioner's SNAP benefits, contending that she failed to comply with the required work activity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for January 8, 2020, but was adjourned at the request of Petitioner. On February 5, 2020, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 10, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner had provided the Agency with a valid MED-1 form, issued by her primary care physician, indicating that Petitioner is unable to engage in any work activity for a period of 12 months, effective through November 16, 2020. See Initial Decision at 3; see also Exhibit R-3. The record reflects that Petitioner had provided the Agency with that MED-1 form on or about November 6, 2019. See Initial Decision at 3. Nevertheless, by notices dated December 11, 2019, the Agency sanctioned Petitioner's WFNJ/GA benefits and sanctioned/terminated Petitioner's SNAP benefits for failure to comply with the WFNJ required work activity. *Ibid.*; see also Exhibit R-1 at 2-5, and N.J.A.C. 10:90-4.13 and N.J.A.C. 10:87-10.16. Specifically, the Agency contended that Petitioner's MED-1 form was not valid because it was completed by her primary physician and not an orthopedic specialist, and therefore, she was not deferred from the work activity. See Initial Decision at 3-4; see also Exhibit R-3, and N.J.A.C. 10:90-4:10(a)(2) and N.J.A.C. 10:87-10.1, -10.2(b).

However, the ALJ found that the Agency failed to cite to any WFNJ regulation that would substantiate its claim that a medical specialist is required to complete Petitioner's MED-1 form, and did not provide any legally sufficient testimony or documentation to invalidate Petitioner's MED-1 form. See Initial Decision at 5-7. Moreover, the ALJ also found that the Agency had validated Petitioner's previous MED-1 form, signed by the same physician, indicating the same disabilities, and had deferred her from participating in the WFNJ work activity from May 6, 2019, through November 6, 2019. *Id.* at 3, 5; see also Exhibit R-1 at 21. Accordingly, the ALJ found that Petitioner's MED-1 form is valid, that in accordance



with N.J.A.C. 4.10(a)(2) she is unable to engage in gainful employment and/or occupational training, and as such, she is deferred from the WFNJ and SNAP work activity requirements through November 6, 2020. See Initial Decision at 5-7. Based on the foregoing, the ALJ concluded that the Agency's sanctioning of Petitioner's WFNJ/GA benefits and the sanction/termination of Petitioner's SNAP benefits were improper and must be reversed. Id. at 8; see also Exhibit R-1 at 2-5, and N.J.A.C. 10:90-4.10, -4.13, and N.J.A.C. 10:87-10.2(b)(4)(i)(3), -10.16. I agree.

No Exceptions to the Initial Decision were received.

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.

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

Officially approved final version.

FEB 24 2020

Natasha Johnson

Assistant Commissioner

