



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 16037-24 A.C.

AGENCY DKT. NO. C050839005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the correctness of the Respondent Agency's determination that she did not qualify for Work First New Jersey/General Assistance ("WFNJ/GA") benefits at the unemployable rate until she reached her seventh month of verified continuous unemployability. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 19, 2024, the Honorable Kathleen M. Calemme, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was then held open for submission of additional documents until December 27, 2024, and then closed on that date. On December 31, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

Here, the record reflects that Petitioner applied for WFNJ/GA benefits on January 31, 2024, and, based upon statements made to her intake worker, was mailed a blank MED-1 form on February 1, 2024. See Initial Decision at 3; see also Exhibit R-3. Thereafter, Petitioner was approved for WFNJ/GA benefits on April 17, 2024, with retroactive benefits beginning on February 1, 2024. See Initial Decision at 2-3; see also Exhibit R-1 at 29. Also on April 17, 2024, the Agency faxed a MED-1 form to Petitioner's physician, which was processed on April 29, 2024, and indicated a four-month period of ineligibility from a work activity. Ibid.; see also Exhibits R-1 at 29, R-2. On June 28, 2024, Petitioner requested an additional MED-1 form, which was sent to her physician and returned August 9, 2024, indicating an additional five-month period of ineligibility from a work activity. Ibid.; see also Exhibit R-1 at 34-35. Following the receipt of the second MED-1 form on August 9, 2024, the Agency determined Petitioner had received a full six months of medical deferrals, from April 2024 through September 2024, and she therefore became eligible for the WFNJ/GA unemployable rate of \$277 effective October 1, 2024, rather than the employable rate of \$185. Ibid.; see also N.J.A.C. 10:90-2.9(a)(2)(x)(1). Petitioner asserted that she should have received the unemployable WFNJ/GA rate from April 1, 2024 through September 30, 2024, rather than the rate being effective October 1, 2024. See Initial Decision at 2.

Persons who are found to be unemployable are entitled to additional WFNJ/GA benefits pursuant to N.J.A.C. 10:90-3.6. In order to determine an individual is unemployable, the individual must present a fully completed MED-1 form. See N.J.A.C. 10:90-2.9(a)(2). The ALJ concludes that the regulatory language is clear that the WFNJ/GA unemployability rate begins at the seventh month of unemployability, such that the Agency correctly determined Petitioner was unemployable following receipt of the second MED-1 form of August 9, 2024, which established that Petitioner had been unemployable for six



continuous months. See Initial Decision at 4-5; see also N.J.A.C. 10:90-2.9(a)(2)(x)(1). As such, the ALJ affirmed the Agency's determination to apply the unemployable rate effective October 1, 2024. See Initial Decision at 5-6. I agree.

By way of comment, Petitioner's original appeal included a request to be moved from her Emergency Assistance ("EA") placement, however, Petitioner withdrew that portion of her appeal prior to the start of the hearing. See Initial Decision at 2. As such, that issue is not address in this Final Agency Decision.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's action is hereby AFFIRMED.

Officially approved final version. February 07, 2025

Natasha Johnson
Assistant Commissioner

