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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 **16429-24 D.H.**

AGENCY DKT. NO. **C708413007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner challenges the amount of Work First New Jersey/General Assistance ("WFNJ/GA") benefits paid to her by the Respondent Agency's due to the denial of her MED-1 form. The Agency denied Petitioner WFNJ/GA benefits at the unemployable rate, contending that she had failed to submit the currently utilized MED-1 form, and thereafter, failed to submit a completed MED-1 form. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled for March 17, 2025, at which time Petitioner requested additional time to provide documentation, and the matter was rescheduled for April 10, 2025. The April 10, 2025 hearing was adjourned due to Petitioner being unable to attend. On April 21, 2025, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was then held open to allow for the submission of additional documentation and then closed on April 30, 2025, however no additional documents were received. On May 1, 2025, the ALJ issued an Initial Decision, reversing the Agency's determination for July 2024 only.

Here, Petitioner's physician submitted a MED-1 form dated July 24, 2023 indicating that Petitioner had a 12-month disability and would be unable to work, which was approved by the Agency. See Initial Decision at 3. As a result, Petitioner received WFNJ/GA at the unemployable rate of \$277 per month from July 1, 2023 through June, 30, 2024, due to the July 2023 MED-1 form. Ibid. Petitioner testified that, knowing her MED-1 was due to expire in June, 2024, she went to the Agency on several occasions to obtain a new form, but was unsuccessful. Ibid. On July 2, 2024, she was supplied with a MED-1 form by an Agency representative, and, on that same date, Petitioner's physician supplied a new MED-1 form to the Agency. See Initial Decision at 3-4. An issue arose when it was discovered that Petitioner's physician had submitted a MED-1 form that was no longer in use. See Initial Decision at 4. The MED-1 utilized on July 2, 2024 was the same form the physician used in 2023, but was updated to reflect Petitioner's exam of July 2, 2024. Ibid. On August 2, 2024, the Agency informed Petitioner her MED-1 form was denied, due to it being an obsolete form, and supplied her with the correct, current MED-1 form. Ibid. On August 30, 2024, Petitioner's physician submitted the correct MED-1 form, however, it was incomplete as the physician neglected to indicate whether Petitioner was undergoing regular treatment for her diagnosis. Ibid. On November 1, 2024, the Agency informed Petitioner it was denying her MED-1 form on that basis, and that her assistance would remain being paid at the employable rate. Ibid. On November 22, 2024, Petitioner's physician submitted a completed, current MED-1 form, indicating that Petitioner was unable to work from November, 2024 to July, 2025, which was reviewed and approved by the Agency. Ibid. On December 11, 2024, the Agency issued the difference between the employable rate (\$185) and the unemployable rate (\$277), or \$92 for November, 2024, and December, 2024. Ibid. The remaining months at issue are July, 2024, through October, 2024, totaling \$368 in WFNJ/GA benefits, if Petitioner had been paid at the unemployable rate. Ibid. Based on the foregoing, the ALJ found that the Agency did provide Petitioner with the incorrect MED-1 form on July 2, 2024. See Initial Decision at 5. However, the ALJ found that the Agency did provide Petitioner with the correct MED-1 form in August, 2024, and that, due to an incomplete



form, the Agency did not receive a fully completed MED-1 form until November, 2024. Ibid. The ALJ found troubling the lack of case management provided by the Agency, including the provision of an outdated form which impacted benefits to Petitioner. See Initial Decision at 6-7. Of note, the ALJ concluded that the Agency did not advise Petitioner of her expiring MED-1 form, nor did the Agency provide her a new MED-1 form prior to its expiration, and then provided an incorrect, outdated form. See Initial Decision at 7. Accordingly, the ALJ concluded that Petitioner should be provided the \$92 difference in benefits for July, 2024, as her physician indicated she was incapacitated, even if on the outdated form. Ibid. I agree and direct that the Agency pay the \$92 difference for July, 2024 to Petitioner. See N.J.A.C. 10:90-9.16(e). However, as Petitioner was provided with the correct form in August, 2024, and it was not completed in full and submitted until November, 2024, the ALJ found that Petitioner is not entitled to the difference in benefits for August, September, or October, 2024 and affirmed the Agency's denial of the additional benefits for those months. See Initial Decision at 7-8. I agree.

Additionally, Petitioner raised an issue as to receipt of the difference in benefits for November, 2024 and December, 2024, claiming she has never received such funds. The ALJ properly concluded that OAL had no jurisdiction over this issue, as it had not been transmitted. I also agree. However, as noted by the ALJ, the record confirms that the difference for the two months, totaling \$184, was, in fact, paid to Petitioner and cashed, presumably by Petitioner. See Initial Decision at 4; see also R-1 at Exhibit 9. Petitioner was advised by the Agency at the hearing of the process to file a complain if she alleges that the funds were stolen. See Initial Decision at 4-5.

Petitioner also raised an issue regarding alleged promised payments to assist in a change to her birth certificate, however, the ALJ similarly concluded that the matter was not a transmitted issue and as such, the OAL had no jurisdiction to hear the issue. See Initial Decision at 2-3, 8. Again, I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("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.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED in part as to the difference in benefits for August to October, 2024, and REVERSED in part as to the difference in benefits for July, 2024, as outlined above.

Officially approved final version. May 27, 2025

Natasha Johnson
Assistant Commissioner

