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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 **00189-25 X.R.**

AGENCY DKT. NO. **C266068020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that he had exhausted his lifetime limit of EA benefits, and did not qualify for a further extension of EA benefits at the present time. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for an emergent hearing. On January 7, 2025, and on January 13, 2025, the Honorable William J. Courtney, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record was closed.

On January 15, 2025, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, and the record substantiates, that Petitioner has received his lifetime limit of EA benefits, and currently does not qualify for any further extension of any kind. See Initial Decision at 2-8; see also N.J.A.C. 10:90-6.4(a), (b), (c). Petitioner had received an initial twelve months of EA benefits which concluded in December 2022. See Initial Decision at 2. Petitioner applied for, and received, a hardship extension of six-months from January 2023 through June 2023. Ibid. Thereafter, Petitioner applied for, and was granted, an additional extension of benefits pursuant to the Emergency Assistance for Special Groups ("EASG") pilot program. Id. at 2; see also the State of New Jersey Senate Bill, No. S3960, P.L. 2023, c. 198, effective December 21, 2018 ("S3960"), now codified at N.J.S.A. 44:10-51(a)(3), also known as EASG (extending EA benefits eligibility for certain categories of individuals, including, but not limited to WFNJ recipients who are permanently disabled, as documented by a twelve-month MED-1 Form, and Supplemental Security Income benefits recipients), and Division of Family Development Instruction ("DFDI") No. 24-03-01. Petitioner's EA was further extended through December 2024 under the EASG program. See Initial Decision at 2-3. Petitioner was notified on December 1, 2024, that he would no longer be eligible to receive EA benefits and his benefits would terminate effective December 31, 2024. Id. at 3; see also Exhibit R-1. Petitioner sought a further EASG extension, his fourth such extension, based upon his claim of a permanent disability. Id. at 3. Petitioner was provided with a required MED-1 form, to be completed and submitted by his physician, indicating that he was permanently disabled. Ibid. Petitioner and the Agency exchanged emails concerning the submission of the MED-1 form, and on December 31, 2024, the Agency received a faxed MED-1 form from Petitioner's physician's office. Id. at 3; see also Exhibit R-2. However, upon review, the December 31, 2024, MED-1 form did not indicate Petitioner was permanently disabled but rather temporarily disabled, which would not qualify Petitioner for any further EASG extension. See Initial Decision at 3-4. Petitioner was informed that his MED-1 form did not meet the criteria for an EASG extension, and, on January 2, 2025, a modified MED-1 was received by the Agency from Petitioner's physician via fax. See Initial Decision at 4; see also Exhibit P-2. The document was almost identical to the December 31, 2024, form except that the temporarily disabled box had been whited out and the box indicating Petitioner was permanently disabled was checked. Id. at 4. Upon receipt of the January 2, 2025, MED-1, an Agency employee declared the form to be fraudulent. Id. at 4; see also Exhibit P-1. However, the ALJ found that, upon a review



of the documentary evidence, the MED-1 form was received from Petitioner's physician's office and sent directly to the Agency and the assertion that the form was fraudulent was without merit. Id. at 4-5; see also Exhibit P-2.

Having determined the January 2, 2025, MED-1 form to be authentic, the ALJ concluded, based upon the testimony of the Agency representative, that upon review, the form lacked a specific diagnosis for Petitioner, the date of diagnosis, a summary of relevant clinical findings, as well as the dates of relevant testing and lab work, and the designation from temporary disability to permanent disability, which had been edited to alter the response, needed to be initialed by the physician, all of which led to a denial of an extension of Petitioner's benefits. See Initial Decision at 5; see also Exhibit P-2. On January 3, 2025, an Agency employee contacted the physician's office requesting an updated MED-1 form as soon as possible, which was received at the Agency that same day. Id. at 5. During the hearing, an employee from the physician's office confirmed, on the record, that a revised MED-1 form was sent on January 3, 2025. See Initial Decision at 5-6; see also Exhibit P-3. A review of the January 3, 2025, MED-1 form by the Agency found that the revisions did not cure the previously noted deficiencies and that the designation regarding disability had been changed, again, from permanent to temporary disability. See Initial Decision at 6. The ALJ found that Petitioner has never provided a fully completed MED-1 form, at any time through the date of the hearing. See Initial Decision at 2. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, based upon a MED-1 form indicating a temporary disability, which does not qualify Petitioner for an EASG extension of benefits, was proper and must stand. See Initial Decision at 7. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.

By way of comment, should Petitioner obtain a current, complete MED-1 form, indicating that he has a permanent disability, he is without prejudice to apply for an extension of EA benefits under the EASG program.

By way of further comment, the transmittal in this matter reflects an additional transmitted issue regarding a correctness of benefit amount issue in regards to Petitioner's Work First New Jersey/General Assistance ("WFNJ/GA") benefits which was not addressed during the January 7, 2025, hearing, but which the ALJ addressed when the hearing reconvened on January 13, 2025. See Initial Decision at 7. Petitioner claimed that his final benefit payment was paid in the incorrect amount, and upon review, the Agency determined the benefit amount was indeed incorrect, and issued a check for the remaining balance of Petitioner's benefit amount on January 10, 2025. Ibid. Accordingly, the ALJ found that the claim for the additional benefit monies by Petitioner had now been satisfied by the Agency and that specific issue was now moot. Ibid.

Also, by way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version. January 22, 2025

Natasha Johnson
Assistant Commissioner

