



State of New Jersey

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Director

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 09215-18 A.R.

AGENCY DKT. NO. C053056018 (FRANKLIN TOWNSHIP MWD)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits contending that she failed to provide the documentation required for additional WFNJ benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 31, 2018, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 21, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on September 6, 2018.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, as outlined below.

Pursuant to N.J.A.C. 10:90-2.3(a), "eligibility for cash assistance benefits shall be limited to a lifetime total of 60 cumulative months for an adult individual recipient." See also N.J.A.C. 10:90-1.1(d) ("Assistance benefits provided under WFNJ are time-limited and considered a temporary cash subsidy[.]"). However, an individual may receive additional months of cash assistance if he/she qualifies for an exemption to the time limit, as set forth at N.J.A.C. 10:90-2.4. In relevant part, one of those exemption criteria is that the individual have a MED-1 form wherein he/she is certified, by an attending physician or advanced practice nurse, to be disabled for a period of 12-months. See N.J.A.C. 10:90-2.4(a)(3)(i).

Here, it appears from the record that Petitioner had exhausted her lifetime limit of WFNJ/GA benefits, and in order for her to be granted additional WFNJ/GA benefits she must qualify for an exemption from said lifetime limit. See Initial Decision at 1-2; see also N.J.A.C. 10:90-2.3(a), -2.4. The record reflects that the Agency requested that Petitioner provide it with a 12-month MED-1 form in order to determine her eligibility for continued WFNJ/GA benefits. *Id.* at 2. However, Petitioner provided the Agency with a six-month MED-1 form, which also did not give the date for the onset of Petitioner's disability. *Ibid.*; see also Exhibit R-1B. Based on the MED-1 form provided, the Agency denied Petitioner WFNJ/GA benefits. See Initial Decision at 2; see also Exhibit R-1A, and N.J.A.C. 10:90-2.2(a)(5). Based upon the testimony and documentary evidence presented, the ALJ concluded that Petitioner did not qualify for WFNJ/GA benefits due to her failure to provide a valid 12-month MED-1 form, and affirmed the Agency's denial of WFNJ/GA benefits to Petitioner for failure to provide proper documentation. See Initial Decision at 2-3; see also Exhibit R-1A, and N.J.A.C. 10:90-2.2(a)(5). While I agree with the ALJ's ultimate conclusion, I find that the controlling applicable regulatory authority for the Agency's denial of WFNJ/GA benefits to Petitioner is N.J.A.C. 10:90-2.3(a), -2.4(a)(3)(i). The Initial Decision is modified to reflect this finding.



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By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED.

Officially approved final version.

Natasha Johnson

Director

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