



State of New Jersey

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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 18369-17 Z.R.

AGENCY DKT. NO. C628797007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's reduction of Work First New Jersey/General Assistance ("WFNJ/GA") monthly benefits amount from the unemployable rate of \$210, to the employable rate of \$140. The Agency reduced Petitioner's WFNJ/GA monthly benefits amount contending that Petitioner failed to verify information and that Petitioner is employable. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 11, 2018, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 18, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that on December 14, 2017, the Agency approved Petitioner for WFNJ/GA benefits, and also determined that Petitioner was employable. See Initial Decision at 2; see also Exhibit R-1. On January 3, 2018, Petitioner submitted a MED-1 form indicating a 6-month disability effective January 3, 2018, through July 3, 2018, which states that Petitioner is unable to engage in any gainful employment and/or occupational training during that time period. See Initial Decision at 2, see also Exhibit J-1. The record further indicates the Agency did not refute Petitioner's medical condition, nor provide any evidentiary support that Petitioner was capable of engaging in employment. See Initial Decision at 3. Moreover, the Agency representative testified that it was unclear from the Agency's case notes, why the Agency had reduced Petitioner's WFNJ/GA benefits. Ibid., see also Exhibit R-1. The ALJ found that Petitioner's MED-1 form and Mental Residual Functional Capacity Questionnaire reveal that she is unable to participate in any work activity for at least six months. See Initial Decision at 3; see also Exhibits J-1, P-1. Based on the foregoing, the ALJ concluded that the Agency's reduction of Petitioner's WFNJ/GA benefits was improper and must be reversed. See Initial Decision at 3-4; see also N.J.A.C. 10:90-2.9(a)(2)(x)(1), -3.6(a). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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 27 2010

Natasha Johnson
Director

