



State of New Jersey

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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 **01524-24 N.D.**

AGENCY DKT. NO. **C275199016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance (WFNJ/GA) benefits, and the imposition of a 90-day ineligibility period for WFNJ/GA benefits. The Agency denied Petitioner WFNJ/GA benefits, and imposed a 90-day WFNJ/GA ineligibility penalty, contending that he voluntarily quit employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for May 2, 2024, but was rescheduled due to some newly provided evidence by Respondent. On May 9, 2024, the Honorable Matthew G. Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow for additional argument, and then closed on May 15, 2024.

On May 28, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 1-13. Specifically, the ALJ found Petitioner's testimony credible, wherein he disputed the allegations that he had been terminated from his employment due to an "attendance policy violation," but rather, had been terminated based on an erroneous assumption that he had taken unauthorized time off from his job, time to which he was allegedly not entitled. See Initial Decision at 2, 4-5, 13; see also Exhibit P-1. Additionally, the ALJ found that the Agency's testimony provided was hearsay, as no one from Petitioner's place of employment, nor anyone from the Agency, with direct knowledge of the alleged incident, were present at the hearing to attest to the truth of the matter, and that no sufficient corroborating documentary evidence was provided by the Agency. See Initial Decision at 2-3, 5-7, 9-12; see also Exhibits R-1 at 8, 9, 13-18, R-2 at 4-9, and N.J.A.C. 1:1-15.5. Based on the foregoing, the ALJ found that the Agency had not demonstrated, by a preponderance of the credible evidence, that Petitioner had been terminated from his employment for cause. See Initial Decision at 4, 12-13. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, based on a voluntary quit and the imposition of a 90-day penalty period calculated from the date of quit December 13, 2023, was improper and must be reversed. *Id.* at 8-9, 13; see also Exhibit R-1 at 4-5, 11, and N.J.A.C. 10:90-1.15, -4.14(c). I agree. Further, the ALJ ordered the Agency to approve Petitioner's original WFNJ/GA benefits application, effective January 1, 2024, and to provide Petitioner with WFNJ/GA retroactive to that date. See Initial Decision at 13; see also Exhibit R-1 at 7. I also agree. Of note, the record indicates that Petitioner had reapplied for WFNJ/GA benefits in April 2024, and was approved for said benefits effective April 9, 2024.

No Exceptions to the Initial Decision were received.



As Assistant Commissioner, 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. July 09, 2024

Natasha Johnson
Assistant Commissioner

