



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 11916-18 M.A.

AGENCY DKT. NO. C206873016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she violated her EA service plan ("SP") by failing to report earned income, she voluntarily quit employment, she failed to report tax return income, and she failed to apply for Unemployment Insurance Benefits ("UIB"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 23, 2018, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 24, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. At the time of the hearing, the Agency stated that its denial of EA benefits to Petitioner based on the claims that Petitioner failed to apply for UIB, and that she failed to provide tax return information, were no longer at issue. See Initial Decision at 1-2, 4; see also Exhibit P-8. Therefore, the ALJ did not address those issues at the hearing, and I find those issues to now be moot.

With respect to the remaining issues, the record reflects that Petitioner voluntarily quit her employment in order to undergo an elective body-sculpting surgical procedure. See Initial Decision at 4-5; see also Exhibit R-4. Moreover, Petitioner testified that she could have continued her employment, but opted to quit instead in order to undergo the aforementioned surgery. See Initial Decision at 5. Further, the record shows that Petitioner executed an SP wherein she agreed, among other things, to comply with Work First New Jersey requirements. *Id.* at 6; see also Exhibit R-6. However, Petitioner failed to comply with her SP by failing to report her earned income to the Agency. See Initial Decision at 6; see also Exhibits R-2, R-6. The ALJ concluded that Petitioner voluntarily quit her employment, without good cause, and that she failed to comply with her SP by failing to report her earned income to the Agency. See Initial Decision at 5-6; see also Exhibits R-2, R-6. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 6; see also Exhibit P-6, and N.J.A.C. 10:90-1.13, -6.1(c)(3), and -6.6(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.

Additionally, because I concur with the ALJ's conclusion that Petitioner voluntarily quit employment, and failed to comply with her SP, I hereby impose upon her a six-month period of ineligibility for EA benefits, which shall run from July 31, 2018, the date of the Agency's denial, through January 30, 2019. See Initial Decision at 5-6; see also N.J.A.C.



10:90-6.1(c)(3), -6.6(a). Based on the foregoing, I also find that Petitioner is ineligible for EA benefits under the recently promulgated Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program. See Initial Decision at 3; see also N.J.A.C. 10:90-6.9(c)(5).

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

Officially approved final version.

AUG 30 2018

Natasha Johnson

Director

