



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
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 09647-18 P.A.

AGENCY DKT. NO. C149419009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, the denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she voluntarily quit employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 10, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 11, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on July 16 and July 17, 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 ADOPT WITH CONTINGENCIES the ALJ's Initial Decision, and REVERSE the Agency's determination.

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, that EA benefits shall not be provided for a period of six months "when an actual or imminent state of homelessness exists as a direct result of the voluntary cessation of employment by the adult member without good cause."

Here, the Agency denied Petitioner EA benefits based on a New Jersey Department of Labor report that stated that she "voluntarily quit" a job at Shop Rite and was denied unemployment compensation. See Initial Decision at 2; see also Exhibits R-2, R-3, and R-6. However, the ALJ found that Petitioner voluntarily quit her job at Shop Rite after receiving another job offer, and during the time she was transitioning to the new job, she was served with an eviction notice and was not able to recover and pay arrears owed to the landlord. See Initial Decision at 3-4. Petitioner was evicted from her apartment on June 8, 2018. *Id.* at 2. Further, Petitioner testified that she has been unable to work at her new job since becoming homeless. *Id.* at 3. The ALJ found that the preponderance of the evidence established that Petitioner did not cause her own homelessness, as she was to be employed at a new job when she left Shop Rite. See Initial Decision at 4-5. Based on the foregoing, the ALJ concluded that Petitioner



did not voluntarily quit employment within the meaning of the regulatory authority, and therefore, that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month period of ineligibility for EA benefits, was improper and must be reversed. See Initial Decision at 4-5; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3). I agree.

However, the transmittal in this matter indicates that Petitioner also appealed a termination of WFNJ/TANF benefits, which was not addressed in the Initial Decision. As Petitioner's eligibility for EA benefits requires that she be a WFNJ/TANF benefits recipient, I find that Petitioner is eligible for EA benefits contingent upon her being a recipient of WFNJ/TANF benefits. See N.J.A.C. 10:90-6.2(a) (stating that only WFNJ cash assistance recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits).

By way of comment, as the transmittal in this matter reflects an additional contested issue concerning a termination of Petitioner's WFNJ/TANF benefits, which was not addressed by the ALJ in the Initial Decision, if Petitioner still has an issue concerning a termination of WFNJ/TANF benefits, she may request another fair hearing on that issue alone.

By way of further comment, I have reviewed the Agency's Exceptions, and find that the arguments made therein do not alter my decision in this matter. The Agency is also reminded that evidence not presented at the hearing shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).

Accordingly, the Initial Decision is hereby ADOPTED WITH CONTINGENCIES, and the Agency's action is REVERSED.

Officially approved final version.

JUL 19 2018

Natasha Johnson
Director

