



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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

REMAND DECISION

OAL DKT. NO. HPW 15559-18 S.H.

AGENCY DKT. NO. C470095007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she was terminated from employment due to her poor performance, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 29, 2018, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 29, 2018, the ALJ issue an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on October 31, 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 the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Here, the record reflects that the Agency denied Petitioner EA benefits by notice dated October 23, 2018, on the basis that Petitioner's poor performance caused her to be terminated from employment in January 2018, thereby causing her own homelessness. See Initial Decision at 2; see also "Notification Form" dated October 23, 2018, and N.J.A.C. 10:90-6.1(c)(3). However, the ALJ found that Petitioner was rehired by that same employer in May of 2018, and subsequently terminated again in July 2018, and as such, Petitioner's January 2018, termination from employment was immaterial. See Initial Decision at 2; see also "Notification Form" dated October 23, 2018. As the Agency's October 23, 2018, denial notice did not state Petitioner's July 2018, termination from employment as its reason for denying EA benefits to Petitioner, the ALJ would not consider the issue in the Initial Decision. See Initial Decision at 3; see also "Notification Form" dated October 23, 2018. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, based on the January 2018, termination from employment, was improper and must be reversed. See Initial Decision at 4; see also "Notification Form" dated October 23, 2018. I agree. Further, because the record is devoid of any documentation to establish whether or not Petitioner's actions caused her July 2018, termination from employment, or if



there was good cause, I find that this matter must be remanded to the Agency to allow it the opportunity to request documentation from Petitioner regarding her July 2018, termination, and to then reevaluate Petitioner's eligibility for EA benefits. See N.J.A.C. 10:90-4.14(c), -6.1(c)(3).

By way comment, Petitioner is advised to provide documentation to the Agency regarding the reason for her July 2018, termination from employment, within 15 days from the date of the issuance of this Final Agency Decision. In light of Petitioner's imminent eviction, upon receipt of the aforementioned documentation, the Agency is directed to reevaluate Petitioner for EA benefits eligibility on an expedited basis.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's action is REVERSED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version. **NOV 02 2018**

Natasha Johnson
Director

