



State of New Jersey

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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 **14958-24 I.R.**

AGENCY DKT. NO. **C123303006 (CUMBERLAND COUNTY BD OF SOC SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the imposition of a 60-day ineligibility period for WFNJ/TANF benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, and imposed a 60-day WFNJ/TANF ineligibility penalty, contending that he voluntarily quit employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 13, 2024, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On November 14, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that, after the Agency has applied the one-hundred percent disregard to Petitioner's earned income, his WFNJ/TANF benefits were scheduled to be terminated, effective October 1, 2024, as his net earned income was above the seventy-five percent, and fifty percent disregards, thereby making him ineligible for said benefits. See Initial Decision at 2; see also Exhibit R-1 at 2, 9, 11.

However, prior to the termination of Petitioner's WFNJ/TANF benefits due to earned income, the Agency terminated Petitioner's WFNJ/TANF benefits on October 1, 2024, for a period of 60 days, due to an alleged voluntary quit of employment on September 4, 2024, based solely on an email message from Petitioner's employer. See Initial Decision at 2-4; see also Exhibit R-1 at 13-14, 16, and N.J.A.C. 10:90-4.14. The ALJ found Petitioner's testimony credible, wherein he disputed the allegations that he had been terminated from his employment due to work policy violations, but rather, had been unfairly terminated from his job. See Initial Decision at 4-5; see also Exhibit R-1 at 16. Petitioner further testified that he had always arrived to work early, and had never received any complaints, warnings, or reprimands from his employer or supervisors during the time he was employed. See Initial Decision at 4-5. Petitioner admitted to one minor incident of accidentally knocking a co-worker's jacket on the floor, for which he apologized. Ibid. The ALJ found that the Agency's testimony was hearsay, as no one from Petitioner's place of employment, nor anyone from the Agency, with direct knowledge of the alleged incident(s), 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. Id. at 2-6; see also N.J.A.C. 1:1-15.5. Based on the foregoing, the ALJ concluded 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 6. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits, based on a voluntary quit of employment, and the imposition of a 60-day penalty period calculated from October 1, 2024, was improper and must be reversed. Id. at 6-7; see also Exhibit R-1 at 2-3, and N.J.A.C. 10:90-1.15, -4.14. I agree.



Additionally, although not a transmitted issue, based on the foregoing discussion, the ALJ also concluded that the Agency's reduction of Petitioner's household's Supplemental Nutrition Assistance Program ("SNAP") benefits for one-month, beginning October 1, 2024, due to such voluntary quit of employment, was also improper and must be reversed. See Initial Decision at 3, 6-7; see also N.J.A.C. 10:87-10.5. I also agree.

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.

By way of comment, the transmittal in this matter also indicates a contested issue pertaining to the termination of Petitioner's WFNJ/TANF benefits due to excess income, which was not specifically addressed by the ALJ. While it does appear that that termination was proper based on Petitioner's earned income at that specific point in time, given that Petitioner is no longer employed with that particular employer, I find that the issue regarding the termination of Petitioner's WFNJ/TANF benefits due to excess income, is now moot.

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

Officially approved final version. December 26, 2024

Natasha Johnson
Assistant Commissioner

