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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 18568-17 A.I.

AGENCY DKT. NO. C218241016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she caused her own homelessness by voluntarily quitting her job. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 18, 2018, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 19, 2018, the ALJ issued an Initial Decision, affirming the Agency's denial of EA benefits and reversing the imposition of a six-month EA ineligibility penalty.

No Exceptions to the Initial Decision were received.

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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Here, the record reflects that Petitioner conceded that she abandoned her employment of her own volition, and the ALJ found that she did so, without good cause. See Initial Decision at 2, 3; see also N.J.A.C. 10:90-4.11(a). Therefore, the ALJ concluded that Petitioner is precluded from receiving EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c)(3). However, the ALJ further found that a six-month EA ineligibility penalty should not be imposed upon Petitioner because she did not abandon employment while receiving EA benefits. Ibid.

While I concur with the ALJ's conclusion that Petitioner abandoned her employment without good cause, and is thereby ineligible for EA benefits, I disagree with the ALJ's conclusion that a six-month EA ineligibility penalty should not be imposed upon Petitioner. See Initial Decision at 3, 6. Rather, I find that Petitioner's own behavior, voluntarily quitting employment, directly caused her imminent homelessness, and as such, in accordance with N.J.A.C. 10:90-6.1(c)(3)(vi), she is subject to a six-month EA ineligibility penalty. Therefore, I affirm the Agency's imposition of said penalty. See Initial Decision at 1-2. The Initial Decision is modified to reflect this finding.

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from December 13, 2017, the date of the Agency's denial of EA benefits, through June 13, 2018.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.



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Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED.

Officially approved final version.

FEB 28 2018

Natasha Johnson
Director

