



State of New Jersey

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Governor

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 10743-18 G.N.

AGENCY DKT. NO. C127313016 (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 EA benefits, and imposed the six-month EA ineligibility penalty, contending that Petitioner had voluntarily quit employment and that Petitioner was seeking an amount of back rent over that which was allowable. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 6, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 7, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on July 13, 2018, Petitioner applied for EA benefits, in the form of back rent, after entering into a consent agreement with her landlord for rent owed. See Initial Decision at 3; see also Exhibits P-1, R-1. The Agency denied Petitioner EA benefits, maintaining that Petitioner had voluntarily quit her last employment, without good cause, and was seeking back rent for six months, well over the permissible three-month limit. See Initial Decision at 3; see also Exhibit R-3 (citing N.J.A.C. 10:90-6.1(c)(3), -6.3(a)(5)). With respect to the voluntary quit, Petitioner testified that she resigned a position in June of 2018, to accept another position with higher earnings and more flexible hours, but then she left that job voluntarily, too, when her hours changed. See Initial Decision at 2-3, 5. Although Petitioner raised an issue of her mental health during the hearing, nothing presented by Petitioner indicated good cause to excuse her voluntarily resigning her prior position, as evidenced by the fact that she did, in fact, seek employment and took another position. See Initial Decision at 5; see also Exhibit R-6. Additionally, Petitioner raised a claim of domestic violence ("DV"), and after a DV assessment, it was determined that Petitioner and her family's safety were not at risk. See Initial Decision at 5; see also Exhibit R-2. Based on the foregoing, the ALJ concurred with the Agency, finding that Petitioner had voluntarily quit employment, without good cause, and that Petitioner was requesting six months back rent, well over the three months limit imposed by the EA benefits regulations. See Initial Decision at 5-6; see also Exhibit R-3, and N.J.A.C. 10:90-6.1(c)(3), -6.3(a)(5). Therefore, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of the six-month EA ineligibility penalty, was proper and must stand. *Ibid.* 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.

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from the effective date of the Agency's denial notice, July 25, 2018, through January 24, 2019. See Exhibit R-3.



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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.

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

Officially approved final version.

AUG 15 2018

Natasha Johnson

Director

