



## State of New Jersey

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*Governor*

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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 08202-19 D.C.

AGENCY DKT. NO. C072671018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she voluntarily quit employment, without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 16, 2019, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 24, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on July 31, 2019.

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, 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." This includes situations in which an applicant has been discharged from employment due to an action, or inaction, on his or her part, in violation of the employer's written rules or policies, or lawful job related instructions. See N.J.A.C. 10:90-1.15.

Here, Petitioner testified that she did not voluntarily quit her job, but rather, that she was fired based on an erroneous assumption that she was using her cell phone at work, which was prohibited, and that she was not given an opportunity to discuss the matter before she was terminated. See Initial Decision at 2-3; see also Exhibit R-1 at 7. The ALJ found Petitioner's testimony credible, and also found that the Agency had failed to provide any evidence that Petitioner was guilty of misconduct at work or that she quit her employment. See Initial Decision at 3-4. Specifically, the record reflects that the Agency had not spoken to Petitioner's employer directly, nor did they have any written documentation from the employer detailing the reason for Petitioner's termination from employment. *Id.* at 2-4. Based on the foregoing, the ALJ found that the Agency had not demonstrated, by a preponderance of the credible



evidence, that Petitioner was terminated from her employment for cause. Id. at 4. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, based on a voluntary quit, was improper and must be reversed. Ibid.; see also "Notification Form" dated June 11, 2019, and N.J.A.C. 10:90-6.1(c)(3). I agree.

By way of comment, because I concur with the ALJ's conclusion, I find that the Agency's imposition of a six-month EA ineligibility penalty was also improper and must be reversed. See Initial Decision at 4.

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. I note that the Exceptions contain copies of documentation obtained after the hearing before the ALJ, and therefore, cannot be considered in rendering this Final Agency Decision. See N.J.A.C. 1:1-18.4(c). The Agency is reminded that evidence not presented at the hearing before the ALJ shall not be submitted as part of an Exception, or referred to in an Exception. Ibid.

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

Officially approved final version.

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Natasha Johnson  
Director

AUG 23 2019

