



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 17162-19 D.S.

AGENCY DKT. NO. S5884/9012 (MIDDLESEX COUNTY BD. 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 EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner voluntarily quit employment, without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 10, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 11, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found Petitioner credible when she testified that she had been terminated from her employment due to excessive absences resulting from her and her child's medical issues, and due to a lack of child care. See Initial Decision at 5-6, 9-10. Petitioner also testified that she had contacted her employer regarding those absences, although not always in a timely manner. *Id.* at 6. The record reflects that Petitioner had medical documentation to substantiate her absences, but the Agency had never requested such documentation prior to its denial of EA benefits. *Id.* at 8. Based on the evidence presented, Petitioner's credible testimony, and the Agency's failure to provide proof that it had considered any good cause reason for Petitioner's termination from employment, the ALJ found that Petitioner did not voluntarily quit employment, without good cause, and as such, she did not cause her own homelessness. *Id.* at 10-12; see also Exhibits P-4, P-6, R-1 at F, I, J, K. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 12; see also Exhibit R-1 at L, and N.J.A.C. 10:90-6.1(c)(3). 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 is advised that the Agency shall determine the most appropriate form of EA benefits required to address her housing needs, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

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

Officially approved final version.

DEC 13 2019

Natasha Johnson

Assistant Commissioner

