



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 03416-19 M.G.

AGENCY DKT. NO. C435706004 (CAMDEN 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 EA benefits, and imposed a six-month EA ineligibility penalty, contending that he caused his own homelessness by being discharged from his employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 14, 2019, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 15, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reveals that Petitioner applied for EA benefits on January 18, 2019. See Initial Decision at 4. At the time that Petitioner applied for EA benefits, he provided a copy of a denial of Unemployment Insurance Benefits ("UIB") from the Department of Labor, dated January 16, 2019, which indicated that, he had been discharged from employment for unsatisfactory attendance, was aware that his job was in jeopardy, and was disqualified for benefits for a certain period. Id. at 2; see also Exhibit R-1 at 6. Petitioner testified that he suffers from a mental health disability and had been hospitalized for certain days that he had missed work, and that it was his understanding that he had been laid off during a slow season, and not discharged. See Initial Decision at 2-3. Petitioner is appealing the UIB determination, has spoken with his supervisor, and seeks to return to work shortly. Id. at 3-4. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, finding that Petitioner had been discharged due to unsatisfactory attendance, thereby causing his own homelessness. Id. at 4; see also Exhibit R-1 at 8. The Agency stated that Petitioner had not advised of any disability which inhibited his ability to work. See Initial Decision at 2. Petitioner, however, claimed that he had informed the Agency of his anxiety, but that the Agency had not instructed him to provide documentation about his disability, so he did not do so. Id. at 4. The ALJ found that Petitioner's actions caused his unemployment, and that he had failed to provide documentation to substantiate his asserted disability, or his claim that he was laid off. Id. at 5. Based on the foregoing, the ALJ concluded that Petitioner had caused his own homelessness, without good cause, and that the Agency's denial of EA benefits and the imposition of the six-month EA ineligibility penalty were proper. Id. at 5-6; see also Exhibit R-1 at 8, and N.J.A.C. 10:90-6.1(c). 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 March 4, 2019, the effective date of the Agency's denial, through September 3, 2019. See Exhibit R-1 at 8.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his 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.

Natasha Johnson
Director

MAR 20 2019

