



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

TRENTON, NJ 08625-0716

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 **16948-19 M.S.**

AGENCY DKT. NO. **C170375009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of three months back rent, 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 she voluntarily quit employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 6, 2019, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on December 6, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination.

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 ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

Here, the record reflects that Petitioner's employer was moving their facility from New Jersey ("NJ") to New York ("NY") in June 2019, and offered its employees either employment at the NY facility or a severance package for those who could not travel to NY. See Initial Decision at 2; see also Exhibit R-2 at 8, 9. Petitioner accepted the severance package of \$3,000 in February 2019, testifying that she was unable to travel to NY for employment, and her employment ended on that date. Ibid. The record also reflects that Petitioner had been able to pay her rent, and other household expenses, from her severance funds, the sale of stock, and her tax refund, until October 2019. See Initial Decision 2. Thereafter, Petitioner was unable to pay her rent, was facing eviction, and applied for EA benefits in the form of back rent for the months of October, November and December 2019. Id. at 2; see also Exhibit R-1. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that by accepting the employer's severance package in February 2019, rather than continuing to work until the facility closed in June 2019, Petitioner had voluntarily quit employment. See Initial Decision at 2; see also Exhibit R-2 at 1-5, and N.J.A.C. 10:90-6.1(c)(3). Of note, the record also indicates that



Petitioner will be starting new employment in approximately one week. See Initial Decision at 2; see also Exhibit P-1.

Based on an independent review of the record, I find that Petitioner's acceptance of her employer's severance package does not constitute a voluntary quit, and note that Petitioner has since obtained new employment. See Initial Decision at 3-4. As such, I concur with the ALJ's finding that providing Petitioner with three months of back rent would afford her the stability needed to again become self-sufficient, without the need for public assistance. Ibid. Additionally, I also concur with the ALJ conclusion that the Agency's denial of EA benefits in the form of three months back rent was improper and must be reversed, as well as the ALJ's order that the Agency provide Petitioner with back rent for the months of October, November, and December 2019. Id. at 4; see also Exhibit R-2 at 1-5, and N.J.A.C. 10:90-6.1(c), -6.3(a). Finally, I also find that the Agency's imposition of a six-month EA ineligibility penalty was improper and must also be reversed. See Exhibit R-2 at 1-5.

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

