



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 04250-19 S.J.

AGENCY DKT. NO. C168654011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits for a period of two months, contending that she voluntarily quit employment, and terminated Petitioner's EA benefits because she was no longer a WFNJ benefits recipient, nor a Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for April 16, 2019, but was adjourned at the request of the parties, so that the Agency could obtain additional information from Petitioner's employer regarding her termination of employment. On May 7, 2019, the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 23, 2019, the ALJ issued an Initial Decision, affirming 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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, as discussed below.

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 household member without good cause[.]"

Here, the record reflects that Petitioner was terminated from her employment for falling asleep during work hours, in violation of company policy. See Initial Decision at 2-3; see also Exhibits R-4 through R-8. Petitioner claimed that she fell asleep due to the strains of being a single mother, and that although she was sleeping during work hours, she had fallen asleep during her break-time and just failed to wake up after her break was over. See Initial Decision at 2, 6; see also Exhibit R-9. The ALJ found that Petitioner's explanation did not establish good cause for her loss of employment, and as such, the Agency's two-month termination of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 4-7; see also Exhibit R-1, and N.J.A.C. 10:90-4.14(a), (b). I agree.



Additionally, the ALJ concluded that, because Petitioner was no longer a WFJN/TANF benefits recipient, nor an SSI benefits recipient, the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 6; see also Exhibit R-2, and N.J.A.C. 10:90-6.2(a). I agree. However, I disagree with the ALJ's finding that Petitioner may reapply for EA benefits once her two-month WFJN/TANF benefits penalty period has ended. See Initial Decision at 6-7. Rather, I find that because the ALJ concluded that Petitioner had voluntarily quit employment, without good cause, Petitioner is ineligible for EA benefits for a period of six months. See Initial Decision at 6; see also N.J.A.C. 10:90-6.1(c) (3). The Initial Decision is modified to reflect this finding.

By way of comment, as Petitioner has been receiving continued assistance pending the outcome of the fair hearing, her six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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 MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

JUN 25 2019

Officially approved final version.

Natasha Johnson
Director

