



State of New Jersey

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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 **05282-20 N.D.**

AGENCY DKT. NO. **C054878001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA"), Emergency Assistance ("EA"), and Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's WFNJ/GA and SNAP benefits due to a voluntary quit of employment. The Agency terminated Petitioner's EA benefits because he was no longer a WFNJ benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 10, 2020, the Honorable Catherine A. Tuohy, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open until July 17, 2020, to allow Petitioner the opportunity to submit documentation. No documentation was received and the record then closed on July 20, 2020. On July 28, 2020, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 MODIFY the Agency's determination, based on the discussion below.

"An adult recipient [of Work First New Jersey ("WFNJ") cash benefits] who voluntarily quits a job, without good cause, shall render the entire assistance unit ineligible for WFNJ cash assistance benefits for a period of two months from the date [the Agency] makes the determination that the recipient quit the job." See N.J.A.C. 10:90-4.14(a). Further, N.J.A.C. 10:90-4.14(b) provides that the "voluntary cessation of employment by [WFNJ] recipients, without good cause, may include, but are not limited to, situations where individuals were 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."

Here, the ALJ found, and the record substantiates, that Petitioner voluntarily quit employment when he violated his employment policies and procedures by calling out from work on four occasions during his probationary period, without good cause, resulting in his termination from employment. See Initial Decision at 4-5; see also Exhibit R-1 at 7. Based on the testimonial and documentary evidence presented, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits for a



period of 90 days, the termination of his EA benefits because he was no longer a WFNJ benefits recipient, and the termination of his SNAP benefits for a period of 30 days, were proper and must stand. See Initial Decision at 2-5; see also Exhibits R-1 at 1-3, R-2 at 1-5, and N.J.A.C. 10:90-1.15, -6.2(a), and N.J.A.C. 10:87-10.5(a), -10.5(c)(2)(vi)(1).

While I agree with the ALJ's ultimate conclusion regarding the termination of Petitioner's WFNJ/GA benefits due to a voluntary quit, I find that because Petitioner was a WFNJ/GA benefits recipient at the time his benefits were terminated, and not an applicant, Petitioner is subject to a 60-day period of ineligibility for WFNJ/GA benefits, not a 90-day period of ineligibility as the Agency had determined and the ALJ had concluded. See Initial Decision at 2, 4; see also Exhibit R-1 at 1, and N.J.A.C. 10:90-1.15, -4.14(a). Based on the foregoing, I find that Petitioner's 60-day period of ineligibility began to run on March 11, 2020, the date the Agency had determined that Petitioner had quit the job. See Initial Decision at 3; see also Exhibit R-1 at 7. As such, I find that Petitioner's WFNJ/GA penalty period expired on May 11, 2020, and he may now reapply for WFNJ/GA benefits, with any determined eligibility for said benefits to be retroactive to May 12, 2020. The Agency's determination, as well as the Initial Decision, are modified to reflect these findings. Further, in accordance with DFDI 20-07-03, no six-month EA ineligibility penalty shall be imposed upon Petitioner due to his VQ, and as such, Petitioner may reapply for EA benefits, with any determined eligibility for said benefits to also be retroactive to May 12, 2020. See N.J.A.C. 10:90-6.1(c)(3). Also, Petitioner may now reapply for SNAP benefits, with any determined eligibility for said benefits to be retroactive to 30-days after the determination of the VQ, or April 12, 2020. See N.J.A.C. 10:87-10.5(c)(2)(vi)(1). The Initial Decision is also modified to reflect these findings.

By way of comment, the Agency is directed to expedite the review/approval process of Petitioner's applications for WFNJ/GA, EA, and SNAP benefits, if and when he reapplies for said benefits.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is MODIFIED, as outlined above.

AUG 27 2020

Officially approved final version.

Natasha Johnson
Assistant Commissioner

