



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 14855-14 A.D.

AGENCY DKT. NO. C069647 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") and the imposition of a 6-month period of ineligibility because she voluntarily quit her employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 12, 2014, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 16, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

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 record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the Initial Decision and AFFIRM the Agency determination.

According to the record for this matter, "Petitioner was employed on April 13, 2013 as a telemarketer. She commuted about nine miles to work by public transportation (bus). Petitioner was terminated due to lateness for missing work on March 12, 2014. Petitioner claims the public buses were running late in the winter of 2014 due to inclement weather. No weather exceptions or accommodations were offered by her employer." Initial Decision at 2-3.

The ALJ found "Petitioner was gainfully employed, the household had substantial earned and unearned income, and that Petitioner lost her job due to non-compliance

with her employer's attendance policies.... Here, Petitioner lacked assertiveness in remaining employed, notwithstanding the weather. Reliable public transportation was available in the geographic area. Petitioner lived and worked off of main roads in the heart of Gloucester County. Finally, I was not convinced that the weather was the dominant cause for Petitioner's loss of employment. The weather might have been a contributing factor but Petitioner did not offer specific snow dates and proof of public transportation delays. This was merely an uncorroborated excuse." Initial Decision at 5-6.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1 provides that the individual must have "an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or in the absence of a realistic capacity to plan in advance for substitute housing." However, EA shall not be provided for a period of six months when the individual has caused his /her own homelessness, without good cause, for reasons including the individual's voluntary cessation of employment. N.J.A.C. 10:90-6.1(c)(3).

I agree with the ALJ's determination in this matter. I further concur that the Agency appropriately imposed the 6-month period of ineligibility effective September 25, 2014, the date Petitioner inquired about possible EA and the Agency first learned she voluntarily quit her job, and approximately 2 weeks before she submitted a formal application for EA. Exhibit R-1 at 7, 9.

By way of comment, the record is unclear whether the assistance unit is homeless or imminently homeless. A letter dated October 16, 2014, from Petitioner's mother states Petitioner and her children "are once again living with me at [address]. She can remain here until she finds a job and saves enough money for her own apartment." Exhibit R-1 at 13. In contrast, Petitioner stated in a December 5, 2014, conversation with the Agency that "her family has been sleeping in their car since 9/17/14." Exhibit R-1 at 1. Without elaboration or additional basis in the record, the ALJ stated that "should Petitioner's children remain homeless, the Division (sic) of Children and Families (DCF) must be notified by the Agency." Initial Decision at 6. Based upon the foregoing, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist her with her current needs. In the interim, the Agency should determine the assistance unit's current housing situation, and if appropriate, contact the Division of Child Protection and Permanency, f/k/a DYFS.

Accordingly, the Initial Decision is ADOPTED and the Agency determination is AFFIRMED.

FEB - 9 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director