

State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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

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Chris Christie Governor

Kim Guadagno Lt. Governor

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 12337-14 A.S.

AGENCY DKT. NO. S564727 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's imposition of a two-month period of ineligibility affecting Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and a six-month period of ineligibility affecting Emergency Assistance ("EA") benefits because she voluntarily ceased employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 5, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 22, 2015, the ALJ issued an Initial Decision which reversed the Agency determination.

Exceptions to the Initial Decision were filed by the Agency on February 3, 2015.

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 REVERSE the Agency determination.

ecipient who voluntarily quits a job, without good cause, shall sistance unit ineligible for WFNJ cash assistance benefits for a ns from the date the [Agency] makes the determination that the job." N.J.A.C. 10:90-4.14(a). Furthermore, "[EA] shall not be NJ applicant when an actual or imminent state of homelessness result of the voluntary cessation of employment by the adult without good cause." N.J.A.C. 10:90-6.1(c)(3).

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On May 15, 2014, Petitioner quit a part-time job which conflicted with her assigned WFNJ work activity, specifically phlebotomy school. Initial Decision at 2. Several days before Petitioner completed school in late August 2014, the Agency imposed a two-month period of ineligibility affecting WFNJ cash benefits, effective September 1, 2014, pursuant to N.J.A.C. 10:90-4.14(a). Initial Decision at 2; Exhibit R-1. In early September 2014, the Agency imposed a six-month period of ineligibility affecting EA benefits, effective October 1, 2014, pursuant to N.J.A.C. 10:90-6.1(c)(3). Initial Decision at 2; Exhibit R-3.

The record in this matter reveals that Petitioner accepted the part-time job several weeks after she started school. Initial Decision at 2. Later forced to choose between non-compliance with her assigned WFNJ work activity or quitting her job, Petitioner resigned her position and immediately obtained work through a temporary staffing agency until she secured her present job in late August 2014. Initial Decision at 2-3. The ALJ found Petitioner at all times properly reported changes in her circumstances to the Agency. Ibid.

I concur with the ALJ's conclusion that "Petitioner had 'good cause' to resign from her position. It was reasonable for Petitioner to determine that school was a priority as it was part of her WFNJ obligation and the Agency was covering the cost of the course. She also properly reported her actions to [the Agency]. Petitioner acted responsibly in not jeopardizing the funds expended by the Agency in furtherance of the goal of self-sufficiency. Petitioner made every effort to secure, and maintain her income while attending school and providing for her child. ... A conclusion other than that Petitioner had good cause, would be in contravention of the objectives of the [WFNJ] program."

I carefully reviewed the Agency's exceptions. The Agency does not contend that Petitioner lacked good cause for resigning her employment, or allege that it was contemporaneously unaware of her obvious dilemma. The Agency's unsubstantiated contention that it closed Petitioner's WFNJ/TANF case effective January 1, 2015, for reasons immaterial to the present matter, is not a basis to reject the Initial Decision.

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

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Signed Copy on File at DFD, BARA

Jeanette Page-Hawkins Director