



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
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Kim Guadagno
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Elizabeth Connolly
Acting Commissioner

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 1350-15 K.B.

AGENCY DKT. NO. S565495 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because, purportedly, she voluntarily quit her job, without good cause, and imposed a six-month period of ineligibility for EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 24, 2015, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 31, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

Exceptions to the Initial Decision were filed by the Agency on April 13, 2015.

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 ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

N.J.A.C. 10:90-1.15, in pertinent part states, "An adult applicant for WFNJ shall not be eligible for benefits when the applicant's eligibility is the result of a voluntary cessation of employment, without good cause, including situations in which an applicant has been discharged from employment, without good cause, including situations in which an applicant has been 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 within 90 days prior to the date of application. The applicant shall be ineligible for assistance for a period of 90 days beginning with the date of quit"

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Similarly, where an EA applicant voluntarily quits employment, without good cause, the EA applicant will not be eligible for EA benefits, until the 90-day penalty period for WFNJ benefits expires, and the applicant becomes eligible for WFNJ benefits. See N.J.A.C. 10:90-6.1(c)(3).

Here, the record indicates that in August 2014, Petitioner voluntarily left her job, and moved to Virginia to stay with a friend, in order to avoid homelessness. See Initial Decision at 2-3. After Petitioner moved back to New Jersey, she applied for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"). *Id.* at 3. The record in this matter reveals that, on or about September 2014, the Agency denied WFNJ/TANF benefits because Petitioner voluntarily quit her employment without good cause, and imposed a voluntary quit period of ineligibility for WFNJ/TANF benefits. *Ibid.* After the expiration of Petitioner's WFNJ/TANF voluntary quit penalty, on or about November 7, 2014, Petitioner began receiving WFNJ/TANF benefits. Thereafter, on January 12, 2015, Petitioner applied for EA benefits but was denied by the Agency based on her voluntarily quit of August 2014, and imposed a six-month period of ineligibility for EA benefits. *Id.* at 2.

Based on the foregoing facts, the ALJ found, and I concur, that the Agency improperly denied Petitioner EA benefits, and improperly imposed a six-month penalty. Specifically, the ALJ found that Petitioner was an EA applicant, not an EA recipient, and therefore not subject to the six-month penalty set out in N.J.A.C. 10:90-6.1(c)(3). *Id.* at 5. Accordingly, I find that Petitioner should have been considered for EA eligibility back in November of 2014, when she became eligible for WFNJ/TANF benefits. Additionally, whether or not Petitioner had good cause for voluntarily quitting her job is moot because she has already served her voluntary quit period for WFNJ ineligibility, as well as for EA ineligibility. Therefore, Petitioner may reapply for EA benefits provided she continues to need EA benefits and is otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1.

By way of comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is ADOPTED and the Agency's action is REVERSED.

Signed Copy on File

at DFD, BARA

Natasha Johnson
Director

MAY 14 2015