

## **DEPARTMENT OF HUMAN SERVICES**

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

Elizabeth Connolly
Acting Commissioner
Natasha Johnson

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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 7386-15 A.C.

AGENCY DKT. NO. C333890 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA") and its imposition of a 6-month penalty. The Agency denied Petitioner's application as it contends that she caused her own homelessness as a result of voluntarily leaving her employment without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 27, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held an emergent plenary hearing, took testimony and admitted documents into evidence.

On May 29, 2015, the ALJ issued her Initial Decision which reversed the Agency determination. The ALJ found that Petitioner provided credible testimony that she left her employment after eight years of service as a result of being harassed and threatened by her supervisor. See Initial Decision at 5. Further, the ALJ found that Petitioner is imminently homeless, as her landlord advised by letter, dated May 18, 2015, that she had thirty-days to leave the apartment because the unit must be rented out for fair market value. ibid.; see also Exhibit P-3.

The ALJ noted that Petitioner's former employer's only response to her immediate and repeated efforts for relief related to being threatened and harassed by her supervisor was to change her scheduled work hours in a manner that caused her to be unable to obtain childcare for her four young children. See Initial Decision at 2; see also Exhibit P-1. The ALJ concluded that Petitioner did not voluntarily quit her employment, but rather she was forced out of her position over the concerns she had for her personal safety and management's failure to address the concerns in any meaningful way. See Initial Decision at 7. The ALJ further concluded that it was

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an error for the Agency to deny Petitioner's request for EA/TRA and that a penalty period was inappropriate. See id. at 8.

The ALJ ordered that the Agency's determination to deny Petitioner EA/TRA on the basis that she caused her own homelessness by voluntarily quitting her employment be reversed. id. Further, the ALJ ordered that the Agency and Petitioner meet as soon as possible in order to determine the appropriate housing for her and her children. id.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the Initial Decision and following an independent review of the record, I concur with the ALJ's conclusions in the matter and hereby ADOPT the Findings of Fact and Conclusion of Law in the matter.

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

Signed Copy on File at DFD, BARA

JUN 0 9 2015

Natasha Johnson Director