



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 15473-14 C.G.

AGENCY DKT. NO. C173003 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") and the imposition of penalties affecting Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and EA. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 2, 2014, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 3, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Neither party submitted exceptions.

As Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

The Agency contends Petitioner voluntarily quit employment without good cause. Petitioner concedes she was separated from her job because of tardiness and excessive absences, but contends this was because her children's father regularly failed to show up to babysit.

A voluntary quit "without good cause, may include, but are not limited to, situations where individuals are 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." N.J.A.C. 10:90-4.14(b).

"An adult recipient 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." N.J.A.C. 10:90-4.14(a).

Similarly, EA, in relevant part, shall not be provided for a period of 6 months where the recipient adult member voluntarily quits employment, without good cause. N.J.A.C. 10:90-6.1(c)(3).

There is sufficient credible evidence Petitioner voluntarily quit her job without good cause. Petitioner concedes, and the document evidence substantiates, she was separated because of time and attendance concerns, and subsequently denied unemployment insurance benefits. Moreover, Petitioner failed to provide credible evidence she was a victim of family violence or that she previously raised that issue with the Agency. N.J.A.C. 10:90-6.1(c)(6).

Petitioner's WFNJ/TANF cash benefits are appropriately suspended for a two-month period of time, and her EA terminated for a 6-month period of time beginning November 7, 2014. Petitioner may reapply for WFNJ/TANF on January 8, 2015 and EA on May 8, 2015 subject to applicable eligibility criteria, at which time the Agency should appropriately address any possible family violence issues. Ibid.

For the foregoing reasons, I ADOPT the Initial Decision and AFFIRM the Agency determination.

DEC - 9 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director