



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 14268-14 D.M.

AGENCY DKT. NO. C091671 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from the Respondent Agency's imposition of two penalties resulting in the denial of Emergency Assistance ("EA") and the termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 12, 2014, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents, and issued an Initial Decision which reversed 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 REVERSE the Agency determination.

Petitioner receives WFNJ/TANF and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

The Agency contends that the Petitioner voluntarily quit her job and consequently imposed two penalties that resulted in the denial of EA and the termination of WFNJ/TANF. The ALJ found the Agency failed to produce sufficient credible evidence to support its adverse actions. I agree.

"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).

EA shall not be provided for a period of 6 months where the recipient adult member voluntarily quits employment or where the applicant has caused his or her homelessness, without good cause. N.J.A.C. 10:90-6.1(c)(3).

The ALJ appropriately rejected a substantially unattributed hearsay statement on behalf of Petitioner's former employer to the effect she was separated because of the "inappropriate way she addressed guests as well as employees after we spoke to her about it." The ALJ appropriately accepted Petitioner's credible and uncontradicted testimony her former employer had no reason to terminate her, and had commended her good work only the night before. I therefore find Petitioner did not voluntarily quit her job, and alternatively, that she had good cause for her separation from employment. N.J.A.C. 10:90-4.14(a).

The Agency should rescind the penalties, immediately reinstate Petitioner's WFNJ/TANF cash benefits, and provide EA.

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

Signed Copy on File
at DFD, BARA

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Jeanette Page-Hawkins
Director