



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 06847-18 D.H.

AGENCY DKT. NO. C633056007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, in the form of back rent, as well as prospective EA benefits, and imposed a six-month EA benefits ineligibility penalty, contending that she voluntarily quit employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A hearing was initially scheduled for May 14, 2018. After three postponements, the OAL set a peremptory hearing date of July 3, 2018. On that day, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 24, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record shows that the Agency denied Petitioner EA benefits with two denial notices, dated May 9, 2018, and May 10, 2018. See Initial Decision at 1-2; see also Exhibits R-1, R-5. The record reflects that the Agency abandoned its claim against Petitioner which formed the basis for its May 9, 2018, denial of EA benefits for back rent to Petitioner, and as such, it is the May 10, 2018, denial that is the remaining issue in this matter. See Initial Decision at 2-3; see also Exhibit R-5.

On May 10, 2018, the Agency denied Petitioner EA benefits finding that she voluntarily quit her job, based on a report from the New Jersey Department of Labor ("DOL") denying Petitioner Unemployment Insurance Benefits. See Initial Decision at 2; see also Exhibit R-2. However, the ALJ found Petitioner credible when she testified that she did not quit her employment, but rather called out sick and had provided medical documentation to her employer simultaneously with her absences. See Initial Decision at 3-4; see also Exhibits P-2 to P-5. Based on the foregoing, the ALJ concluded that Petitioner had good cause for being separated from her employment, as her employer ignored her medical reasoning for her absences. See Initial Decision at 6-7; see also N.J.A.C. 10:90-4.11(b)(2)(i). The ALJ also found that the DOL notice was not sufficient evidence of a voluntary quit of employment. See Initial Decision at 5-6; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3). Further, the ALJ found credible Petitioner's testimony that she is facing eviction. See Initial Decision at 3. Accordingly, the ALJ concluded that Petitioner is eligible for EA benefits, and that the Agency is to provide her with same. See Initial Decision at 7; see also N.J.A.C. 10:90-4.11(b), -6.1(c)(3), and -6.3(a)(1). I agree.

No Exceptions to the Initial Decision were received.

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



By way of comment, the Initial Decision references a sanctioning of Petitioner's Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. However, the record in this matter is devoid of any evidence to support the conclusion that Petitioner's WFNJ/TANF benefits were sanctioned and thereby reduced or ultimately terminated as a result. I further note that the six-month EA ineligibility penalty set forth in N.J.A.C. 10:90-6.1(c)(3), is a penalty applicable to receipt EA benefits only, and is not a sanction or penalty against WFNJ benefits. Specifically, a sanctioning of WFNJ benefits due to a voluntary quit of employment is governed by the regulatory authority found at N.J.A.C. 10:90-1.15, -4.14.

By way of further comment, Petitioner is advised that the Agency shall determine the most appropriate form of emergency housing required to address her needs, which may include shelter placement. See Initial Decision at 4; see also N.J.A.C. 10:90-6.3(a)(1).

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

Officially approved final version.

AUG - 2 2010

Natasha Johnson
Director

