



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 10044-18 S.M.

AGENCY DKT. NO. C709754007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits, on redetermination, and the imposition of a 90-day period of ineligibility for WFNJ benefits. The Agency denied Petitioner WFNJ/GA benefits on redetermination, and imposed a 90-day WFNJ ineligibility penalty, contending that she failed to comply with work activity requirements and had voluntarily quit a job. The Agency also denied Petitioner continued EA benefits because she was no longer a WFNJ benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 18, 2018, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 19, 2018, the ALJ issued an Initial Decision, affirming the Agency's determinations. Here, the record reflects that in December 2017, Petitioner applied, and was approved for WFNJ/GA benefits and EA benefits in the form of shelter placement. See Initial Decision at 2; see also Exhibits P-6, and R-3. On May 31, 2018, Petitioner was hired for part-time employment, and was scheduled to begin work on June 4, 2018. See Initial Decision at 2; see also Exhibits R-4, R-6. On June 10, 2018, Petitioner quit the part-time position. See Initial Decision at 2-3; see also Exhibit R-6. Petitioner testified that she would not have been able to afford to pay the rent working 20 hours per week, and that she would have lost her housing voucher when she began working and reporting her income. See Initial Decision at 5. The ALJ found that Petitioner had refused, without good cause, to accept and/or maintain employment because her earned income would have then caused her to be ineligible for WFNJ/GA benefits, and further, would make her ineligible for continued EA benefits. See Initial Decision 7; see also N.J.A.C. 10:90-2.2(a)(2), -4.11(a), -4.14(c). Based on the foregoing, the ALJ concluded that Petitioner's voluntary cessation of work was without good cause and that the Agency's denial of WFNJ/GA benefits, on redetermination, was proper and must stand. See Initial Decision at 7; see also Exhibit R-1, and N.J.A.C. 10:90-2.2(a)(2), -4.11(a). I agree. The ALJ further concluded that because Petitioner voluntarily quit her employment, without good cause, and is no longer eligible for WFNJ/GA benefits, she is also ineligible for EA benefits, and as such, the Agency's denial of EA was also proper and must stand. See Initial Decision at 7; see also Exhibit R-2, and N.J.A.C. 10:90-6.2(a)(1). I also agree.

Additionally, because I agree with the ALJ's conclusion that Petitioner voluntarily left her job, without good cause, I also affirm the Agency's imposition of a 90-day period of ineligibility for WFNJ benefits. See Initial Decision at 7; see also N.J.A.C. 10:90-1.15. Furthermore, I also find that Petitioner is ineligible for EA benefits for a period of six months because she voluntarily quit her part-time job, without good cause. See Initial Decision at 7; see also N.J.A.C. 10:90-4.11, -6.1(c) (3). As Petitioner has been receiving continued assistance pending the outcome of this fair hearing, the six-month EA penalty shall begin to run from the date of the issuance of this Final Agency Decision.



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 Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determinations are AFFIRMED.

Officially approved final version.

JUL 31 2018

Natasha Johnson
Director

