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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 **10635-19 C.R.**

AGENCY DKT. NO. **C408289007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's termination of her Supplemental Nutrition Assistance Program ("SNAP") benefits, and imposition of a one-month disqualification period from said benefits. The Agency terminated Petitioner's SNAP benefits, and imposed the one-month disqualification penalty, contending that she voluntarily quit her employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 19, 2019, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence.

On August 19, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Based on the record presented, the Agency maintained that Petitioner was deemed to have voluntarily quit her association with her temporary employment agency, and as a result, terminated Petitioner's SNAP benefits for the month of August 2019. See Initial Decision at 1; see also Exhibit P-1 at 3, "NJDOL – LOOPS," and N.J.A.C. 10:87-10.5(c)(2)(vi)(1). Petitioner testified that she had left that temporary employment agency because work assignments had slowed down in the month of June 2019, and she was unable to afford to stay there. See Initial Decision at 2. The record further reflects that, in that same month, Petitioner started employment with another temporary employment agency, but was involved in a car accident while being transported to work in the company van, resulting in a broken back and her inability to work until September 19, 2019, tentatively. Ibid.; see also Exhibit P-1 at 10-13, and "Examination Report."

Based on Petitioner's testimony, which the ALJ found to be credible, the ALJ determined that Petitioner had provided good cause for her non-compliance with the voluntary quit provisions of the relevant SNAP regulations due to the fact that her temporary employment agency was no longer offering her steady employment. See Initial Decision at 3; see also N.J.A.C. 10:87-10.6. Moreover, the ALJ found that Petitioner had secured employment with another temporary employment agency shortly thereafter. See Initial Decision at 3; see also Exhibit P-1 at 9-11. Further, the ALJ found that it was unreasonable for the Agency to mandate that Petitioner stay with that temporary employment agency when it was no longer offering her job placements on a weekly basis. See Initial Decision at 3. Therefore, the ALJ concluded

that Petitioner did not voluntarily quit her employment, without good cause, and reversed the Agency's action terminating Petitioner's SNAP benefits and imposing a one-month disqualification penalty. Ibid.; see also Exhibit P-1 at 1-5, and N.J.A.C. 10:87-10.6(a)(2). I agree.

No Exceptions to this Initial Decision were filed.

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 decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

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

Officially approved final version. AUG 30 2019

Natasha Johnson
Director