



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 18140-18 L.G.

AGENCY DKT. NO. C454661007 (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, and imposed a six-month EA ineligibility penalty, contending that she voluntarily quit employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Beginning on December 26, and continuing on December 28, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 31, 2018, the ALJ issued an Initial Decision, affirming the Agency's denial of EA benefits in the form of back rent, and reversing the Agency's imposition of a six-month EA ineligibility penalty.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, as discussed below.

Here, I agree with the ALJ's finding that Petitioner credibly established that she had good cause for voluntarily quitting her employment and, as such, the denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, on that basis, was not appropriate. See Initial Decision at 4-5; see also Exhibit P-1 at 5-8, and N.J.A.C. 10:90-6.1(c) (3). However, I respectfully disagree with the ALJ's conclusion that the Agency's denial of EA benefits in the form of back rent was proper, and that Petitioner may reapply for EA benefits once her landlord formally files for eviction. See Initial Decision at 4. Rather, based on Petitioner's particular circumstances, such as the fact that she lives in an affordable apartment, that she has a work history, that she is about to, or has, just given birth to her second child, and that she has never received EA benefits, I find that it is in the best interest of all concerned that her current residence in affordable housing be preserved, and that shelter placement be avoided. *Id.* at 3-4; see also Exhibits P-1 at 34, 36, 37, 40-45, P-2, P-3, and N.J.A.C. 10:90-6.3(a) (6), (7), and DFD Instruction 18-09-04. Therefore, I direct the Agency to provide Petitioner with EA benefits in the form of back rent, as well as prospective EA benefits, provided she continues to need said benefits, and remains otherwise eligible for same. See N.J.A.C. 10:90-6.1 et seq. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, as outlined above.



Officially approved final version.

JAN - 7 2019

Natasha Johnson
Director

