



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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Assistant Commissioner

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 08667-19 N.D.

AGENCY DKT. NO. C271932009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she voluntarily quit employment, without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 17, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow the parties to submit post-hearing briefs. Both parties filed briefs on July 31, 2019, and the record then closed.

On September 10, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner voluntarily quit her full-time employment, without good cause, failed to ask the Agency to assist with her child care needs, and failed to pursue part-time employment. See Initial Decision at 3; see also Exhibits R-2, R-4, and N.J.A.C. 10:90-6.1(c)(3). The ALJ found that Petitioner quit her full-time employment because she did not have child care services available for her special needs child, that she did not seek part-time employment believing that, pursuant to her EA service plan, she was required to work "full-time" rather than part-time, and that she was unaware that she could apply for child care services through the Urban League, as she was not advised by the Agency that such services were available to her. See Initial Decision at 2-4; see also Exhibits P-2, R-1. Moreover, the Agency representative acknowledged that he was aware that Petitioner had quit her job due to the lack of child care, but that he had not referred her for child care services because that matter was not handled by the EA benefits department, but was handled by the Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") department. See Initial Decision at 3, 6-7. Further, the ALJ found that as Petitioner was not a recipient WFNJ/TANF benefits recipient, she could not have received a referral by the Agency to the Urban League for child care services. *Ibid.* The ALJ also found that the Agency had failed to advise Petitioner that part-time work was an option. See Initial Decision 6-7. Petitioner stated that if she had known that child care services were available, she would not have quit her full-time employment. *Id.* at 7. Based on the foregoing, the ALJ found that Petitioner had good cause for voluntarily quitting her full-time employment, and that the Agency's termination of



Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. Id. at 5-7; see also Exhibit R-4, and N.J.A.C. 10:90-4.11(a)(3). 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.

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

Officially approved final version.

OCT 11 2019

Natasha Johnson

Assistant Commissioner

