



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 04822-19 R.M.

AGENCY DKT. NO. S595775012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA benefits for 90 days, contending that she voluntarily quit employment, and denied Petitioner EA benefits because she was not a WFNJ or Supplemental Security Income benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 12, 2019, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On that same date, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, 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 AFFIRM the Agency's determination, based on the discussion below.

N.J.A.C. 10:90-1.15, states, in pertinent part, "An adult applicant for WFNJ shall not be eligible for benefits when the applicant's eligibility is the result of a voluntary cessation of employment, without good cause, including situations in which an applicant has been discharged from employment due to an action or inaction on his or her part in violation of the employer's written rules or policies, or lawful job related instructions within 90 days prior to the date of application. The applicant shall be ineligible for assistance for a period of 90 days beginning with the date of quit."

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, that EA benefits shall not be provided for a period of six months "when an actual or imminent state of homelessness exists as a direct result of the voluntary cessation of employment by the adult member without good cause."

Here, Petitioner admitted that she voluntarily quit her employment, but claimed that she had done so due to verbal harassment and abuse by a co-worker. See Initial Decision at 3. The ALJ found, however, that Petitioner's claim had been refuted by documents submitted by her employer. *Ibid.*; see also Exhibit



R-2, and "Marketing Plus, Inc." letters. Based on the foregoing, the ALJ concluded that Petitioner had voluntarily quit employment, without good cause, and that she was therefore ineligible for WFNJ/GA benefits for a period of two months. See Initial Decision at 3-4; see also N.J.A.C. 10:90-4.14(a). While I agree with the ALJ's conclusion that Petitioner voluntarily quit her employment, without good cause, the ALJ mistakenly found Petitioner ineligible for WFNJ/GA benefits for a period of two months, which is the penalty for a WFNJ benefits "recipient" who has voluntarily quit employment. Id. at 4; see also N.J.A.C. 10:90-4.14(a). Rather, I find that, because Petitioner was an "applicant" for WFNJ benefits, and not already a WFNJ benefits recipient, she is ineligible for WFNJ/GA benefits for a period of 90 days, beginning with the date of quit February 8, 2019. See Initial Decision at 3; see also Exhibit R-2, "Application and Affidavit for Public Assistance," and N.J.A.C. 10:90-1.15. The Initial Decision is modified to reflect this finding.

Further, I find that Petitioner caused her own homelessness by voluntarily quitting her employment, and as such, she is ineligible for EA benefits for a period of six months. See N.J.A.C. 10:90-6.1(c) (3). Petitioner's six-month EA ineligibility penalty shall run from April 3, 2019, the effective date of the Agency's denial, through October 2, 2019. See Exhibit R-8. Of note, there is no indication in the record that the Agency waived the imposition of an EA ineligibility penalty against Petitioner, as opined by the ALJ, nor is there any indication in the record that the Agency was waiving the 90 day period of ineligibility for WFNJ/GA benefits. See Initial Decision at 3; see also Exhibits R-1 and R-8. The Initial Decision is further modified to reflect these findings.

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

Officially approved final version.

Natasha Johnson
Director

APR 17 2019

