



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
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 01674-20 A.B.

AGENCY DKT. NO. S615458012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination, and disqualification from receipt of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits for a period of two months, the termination of Petitioner's Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits, and the denial of an extreme hardship extension of EA benefits. The Agency terminated Petitioner's WFNJ/TANF benefits, and imposed a two-month disqualification from receipt of said benefits, contending that Petitioner had voluntarily quit employment. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, and denied Petitioner an extreme hardship extension of EA benefits, contending that Petitioner had voluntarily quit employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 3, 2020, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 13, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 MODIFY the Agency's determination, based on the discussion below.

"An adult recipient [of Work First New Jersey ("WFNJ") cash benefits] who voluntarily quits a job, without good cause, shall render the entire assistance unit ineligible for WFNJ cash assistance benefits for a period of two months from the date [the Agency] makes the determination that the recipient quit the job." See N.J.A.C. 10:90-4.14(a). Further, N.J.A.C. 10:90-4.14(b) provides that the "voluntary cessation of employment by [WFNJ] recipients, without good cause, may include, but are not limited to, situations where individuals were 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."

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." See N.J.A.C. 10:90-4.11(a). This



includes 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. See N.J.A.C. 10:90-1.15.

Here, the record reflects that Petitioner was terminated from her employment for using customer coupons and using an employee discount without entering her employee identification number, in violation of company policy. See Initial Decision at 3-5; see also Exhibit R-2 at 1-3. The ALJ found that Petitioner had admitted the aforementioned policy violations, and that she had failed to provide any good cause evidence for such violations. See Initial Decision at 3-5. Based on the foregoing, the ALJ found that the Agency's two-month termination of Petitioner's WFNJ/TANF benefits was proper and must stand. Id. at 5; see also Exhibit R-2 at 6-8, and N.J.A.C. 10:90-4.14(a), (b). I agree.

As such, I find that Petitioner's 60-day period of WFNJ/TANF ineligibility began to run on February 1, 2020, the date the Agency had determined that Petitioner had quit the job. See Initial Decision at 3; see also Exhibit R-2 at 6. Furthermore, I find that Petitioner's WFNJ/TANF penalty period expired on March 31, 2020, and Petitioner may now reapply for WFNJ/TANF benefits, with any determined eligibility for said benefits to be retroactive to April 1, 2020. The Agency's determination, as well as the Initial Decision, are modified to reflect these findings.

Additionally, in accordance with DFDI 20-07-03, no six-month EA ineligibility penalty shall be imposed upon Petitioner due to the VQ, and as such, Petitioner may reapply for EA benefits, with any determined eligibility for said benefits to also be retroactive to April 1, 2020. See N.J.A.C. 10:90-6.1(c)(3). The Initial Decision is also modified to reflect this finding.

~~By way of comment, the Agency is directed to expedite the review/approval process of Petitioner's applications for WFNJ/TANF and EA benefits, if and when she reapplies for said benefits.~~

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

Officially approved final version.

SEP 10 2020

Natasha Johnson
Assistant Commissioner

