



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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Acting Commissioner

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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 07025-20 P.S.

AGENCY DKT. NO. C043973003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

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 had voluntarily quit employment and had the capacity to plan for substitute housing, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Two prior hearing dates were initially scheduled, but were adjourned due to Petitioner's conflicting medical appointments. On December 2, 2021, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow for post-hearing legal briefing to be submitted, and then closed on December 9, 2020.

On December 31, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner voluntarily quit her employment on December 2, 2019, in order to take care of her sick mother, and as such, found that Petitioner had good cause for said voluntary quit. See Initial Decision at 3, 5; see also Exhibit R-6. The ALJ also found that Petitioner had planned for substitute housing after the foreclosure on her prior residence had occurred on January 27, 2020, even though all such plans had fallen through due to various mitigating circumstances. See Initial Decision at 3-5. Further, the ALJ found that the evidence suggested that Petitioner's mental health issues may have contributed to her inability to properly plan to effectively secure substitute housing. *Id.* at 7. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, on the bases that she had voluntarily quit employment and had failed to plan for substitute housing, was improper and must be reversed. *Id.* at 7-8; see also Exhibit R-5, and N.J.A.C. 10:90-6.1(c)(3). I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.



FEB 11 2021

Officially approved final version.

Natasha Johnson
Assistant Commissioner

