



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 **02420-23 K.G.**

AGENCY DKT. NO. **C040389005 (CAPE MAY 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, contending that he had voluntarily quit employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 22, 2023, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On March 24, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on March 24, 2023.

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

Based on an independent review of the record, I make the following findings. Here, the Agency determined that Petitioner had voluntarily quit his employment based on the unsupported statements made in a New Jersey Department of Labor ("DOL") Notice of Determination ("Notice"). See Initial Decision at 2; see also Exhibit R-1 at 98, and N.J.A.C. 10:90-1.15. In summary, the Notice stated that Petitioner had been discharged from his job for "violation of a company rule" and on that basis, the Agency denied Petitioner WFNJ/GA benefits. See Initial Decision at 2; see also Exhibit R-1 at 19, 98. However, Petitioner disputes the facts set out in said DOL Notice, and testified that he has appealed that determination. See Initial Decision at 3; see also Exhibit R-1 at 45. The ALJ found Petitioner's testimony credible, and moreover, found that the Agency had failed to provide any credible evidence that Petitioner was terminated from his employment for cause. See Initial Decision at 2-4. Of note, the record is devoid of any indication that the Agency attempted to contact Petitioner's employer for any substantiating documentation. Aside from the Agency's voluntary quit allegation, the record reflects that Petitioner is otherwise eligible for WFNJ/GA benefits. See Initial Decision at 4. Based on the foregoing, I find that Petitioner is eligible for WFNJ/GA benefits, and conclude that the Agency's denial of said benefits to Petitioner was improper and must be reversed. See Exhibit R-1 at 19. The Initial Decision is modified to apply the proper legal analysis to the Agency's denial of WFNJ/GA benefits to Petitioner, which the ALJ mistakenly analyzed pursuant to EA authority. See Initial Decision at 3-4; see also N.J.A.C. 10:90-1.15, -6.1(c)(3).

Further, because I find that Petitioner is eligible for WFNJ/GA benefits, as discussed above, I also find that Petitioner is eligible for EA benefits, and on that basis, concur with the ALJ's ultimate conclusion that a denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 4; see also N.J.A.C. 10:90-6.2(a) (limiting eligibility



for EA benefits to WFNJ and Supplemental Security Income benefits recipients). The Initial Decision is also modified to reflect the proper EA regulatory analysis of this issue.

By way of comment, I have reviewed the Agency's Exceptions, and find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. March 30, 2023

Natasha Johnson
Assistant Commissioner

