



## State of New Jersey

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*Governor*

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 **10495-24 D.M.**

AGENCY DKT. NO. **C071358003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"), and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA/TRA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner voluntarily quit employment, without good cause, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for August 8, 2024, but was adjourned due to an unforeseen closure of the Agency's office building. On August 13, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents.

On August 14, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. At the time of the hearing, the Agency's representative testified that the Agency was proceeding with the denial of Petitioner's EA application based solely on the voluntary quit from her employment and the imposition of a six-month EA disqualification period, and not the other bases stated in the Agency's denial notice. See Initial Decision at 2.

Here, the Agency denied Petitioner EA/TRA benefits, and imposed a six-month EA ineligibility penalty, contending that she voluntarily quit her employment due to excessive absenteeism, thereby causing her own homelessness. See Initial Decision at 2-3; see also Exhibits R-1 at 42, 54-55, and N.J.A.C. 10:90-6.1(c)(3). However, the ALJ found Petitioner credible when she testified that she had been employed in Virginia when her paternal grandmother, who resided in New Jersey, became ill during January 2024 and Petitioner began to travel back and forth between New Jersey and Virginia on the weekends. See Initial Decision at 3. Petitioner's grandmother passed away on January 14, 2024, and Petitioner testified that she spoke with her supervisor and was approved for four days of bereavement leave, as well as an additional two days off. Ibid. Petitioner was later informed, by a higher-level supervisor, that she was being terminated due to excessive absenteeism during her first ninety days of employment. Ibid. Here, the record reflects that, in reviewing Petitioner's application and supporting documents, the Agency found Petitioner's employment termination due to excessive absenteeism equated to a voluntary quit from her employment; however, the ALJ found that the Agency did not consider any explanation(s) for Petitioner's absence from work, or the good cause exception under N.J.A.C. 10:90-4.11, which may apply under certain circumstances. See Initial Decision at 5.

Based on the foregoing, the ALJ found that Petitioner had established good cause for her voluntary quit of employment, specifically, the death of a family member out of state, and as such, concluded that the Agency's denial of EA/TRA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were improper. See Initial Decision at 5; see also Exhibit R-1, and see also N.J.A.C. 10:90-4.11(b)(2)(ii). On that basis, the ALJ reversed the Agency's



determination. See Initial Decision at 5; see also Exhibit R-1. I agree and direct that the Agency provide Petitioner with EA benefits on an expedited basis.

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.

Officially approved final version.

August 27, 2024

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Natasha Johnson

Assistant Commissioner

