



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 13392-24 K.G.

AGENCY DKT. NO. C281071009 (HUDSON COUNTY DEPT OF FAM 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 voluntarily quit her employment, without good cause, thereby causing her own housing emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 30, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on September 30, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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, REVERSE the Agency's determination, and REMAND back to the Agency, based on the discussion below.

Here, the record reflects that Petitioner was employed part-time for one year as a package handler for Federal Express. See Initial Decision at 2; see also Exhibit R-1 at 9. The ALJ found Petitioner credible when she testified that she had voluntarily quit her employment as, during her eighth month of pregnancy, Petitioner requested, and was denied a less labor-intensive position and was informed that the company's policy was to terminate an employee if they were absent for three consecutive days of work. Ibid. See Initial Decision at 2; see also Exhibit R-1 at 8. Following her resignation, Petitioner was scheduled to begin new employment but went into labor, gave birth, and was hospitalized for more than three days. See Initial Decision at 2-3. Petitioner's efforts to collect unemployment through the Department of Labor have been thus far unsuccessful. Ibid. Based on Petitioner's credible testimony, and particular circumstances, the ALJ found that Petitioner had established good cause for her voluntary quit of employment, and as such, concluded that Petitioner is eligible for EA benefits, and the Agency improperly denied EA/TRA benefits to Petitioner, and improperly imposed a six-month EA ineligibility penalty. See Initial Decision at 3-5; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-6.1(c)(3). On that basis, the ALJ reversed the Agency's determination. Ibid. I agree, however, as it is unclear from the record presented whether or not Petitioner has met the other EA benefits eligibility requirements, and as such, the Agency is directed to reevaluate Petitioner's eligibility for EA benefits on an expedited basis. See Initial Decision at 3-5; see also N.J.A.C. 10:90-6.1 et seq. The Initial Decision is modified to reflect this finding.

By way of comment, Petitioner is advised that should she again be denied EA benefits, she may request another fair hearing on that subsequent denial.



Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is REVERSED, and the matter REMANDED back to the Agency, as outlined above.

Officially approved final version. October 03, 2024

Natasha Johnson
Assistant Commissioner

