



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 21004-15 T.D.

AGENCY DKT. NO. C672704 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of retroactive rent and imposition of a six month period of EA ineligibility. The Agency denied Petitioner EA benefits and imposed the six month EA penalty because it determined that she had caused her own imminent homelessness, when she was terminated from her employment, purportedly without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 5, 2016, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On January 5, 2016, the ALJ issued an Initial Decision, reversing the Agency's determination. The record shows that Petitioner in this matter seeks her portion of back rent for her Section 8 housing. See Initial Decision at 2. The record also shows that the Agency denied Petitioner's EA request because it had imposed a six-month EA penalty due to her termination from employment for excessive lateness. *Id.* at 2 and 3. Additionally, the record shows that Petitioner's minor son was stabbed, prior to her termination from her job. *Id.* at 3. The ALJ found that Petitioner's excessive lateness was attributed to her caring for her son's injuries, and therefore, found that Petitioner had good cause when she was terminated from her employment. *Ibid.*; see also N.J.A.C. 10:90-4.14(c)(9). Accordingly, the ALJ concluded, and I agree, that the Agency improperly denied Petitioner EA benefits, and improperly imposed a six-month period of EA ineligibility.

No Exceptions to the Initial Decision were filed.

As the Director of the 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 in this matter.

By way of comment, it is unclear from the record if the Agency also imposed a 90-day period of ineligibility for Work First New Jersey ("WFNJ") benefits against Petitioner in this matter. See N.J.A.C. 10:90-1.15. Based upon the ALJ's finding that Petitioner had good cause when she was terminated from her employment, if a 90-day ineligibility period for WFNJ benefits was, in fact, imposed on Petitioner, that penalty must also be rescinded and Petitioner be provided with WFNJ benefits retroactive to the date of application.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is REVERSED.

Signed Copy on File
at DFD, BARA

JAN 19 2016

Natasha Johnson
Director