



State of New Jersey

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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 01783-20 B.W.

AGENCY DKT. NO. C216072009 (HUDSON COUNTY DEPT OF FAM 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 ("VQ") employment, without good cause, and failed to appeal her denial of Unemployment Insurance Benefits ("UIB"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 10, 2020, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on February 11, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, that EA benefits shall not be provided for a period of six months "when an actual or imminent state of homelessness exists as a direct result of the voluntary cessation of employment by the adult member without good cause." See N.J.A.C. 10:90-4.11(a). This includes situations in which an applicant has been discharged from employment due to an action, or inaction, on his or her part, in violation of the employer's written rules or policies, or lawful job related instructions. See N.J.A.C. 10:90-1.15.

Here, the Agency denied Petitioner EA/TRA benefits, and imposed a six-month EA ineligibility penalty, contending that she was terminated from her employment because she failed to comply with her employer's attendance policy, without good cause, and because she failed to appeal her denial of UIB. See Initial Decision at 2-3; see also Exhibits R-1, "Notice of Determination," and N.J.A.C. 10:90-6.1(c)(3). However, the ALJ found that Petitioner's violation of her employer's attendance policy was due to lack of childcare, and as such, Petitioner had good cause for said VQ, and therefore, did not cause her own homelessness. See Initial Decision at 3; see also N.J.A.C. 10:90-4.14(c)(2). Based on the



foregoing, the ALJ concluded that the Agency improperly denied EA/TRA benefits to Petitioner, and improperly imposed a six-month EA ineligibility penalty. See Initial Decision at 3; see also Exhibit R-1. Accordingly, the ALJ reversed the Agency's determination, and ordered the Agency to provide Petitioner with EA/TRA benefits in the form of back rent, as well as prospective EA/TRA benefits. See Initial Decision at 4; see also "Tenancy Summons and Return of Service." I agree. Moreover, the record reflects that Petitioner secured employment on January 7, 2020, shortly after having been terminated from her previous job, and therefore, I find that her failure to appeal her denial of UIB is now moot. See "H and R Block" letter.

By way of comment, Petitioner is advised that she is eligible for prospective EA/TRA benefits, provided she continues to remain eligible for same, in accordance with N.J.A.C. 10:90-6.1 et seq. Petitioner is further advised that she may contact the Agency to apply for childcare services.

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

Officially approved final version.

FEB 18 2020

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Natasha Johnson

Assistant Commissioner

