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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 **06554-25 J.C.**

AGENCY DKT. NO. **C185634003 (BURLINGTON 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, and the imposition of a 90-day period of ineligibility for WFNJ/GA benefits, and a six-month period of ineligibility for EA benefits, due to a voluntary cessation of employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 23, 2025 the Honorable Advia Knight Foster, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On July 10, 2025 the ALJ issued an Initial Decision, affirming the Agency's determinations.

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 hereby MODIFY the Initial Decision, and AFFIRM the Agency's determinations, based on the discussion below.

N.J.A.C. 10:90-1.3(a) states, "All applicants for [Work First New Jersey] WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determined that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made." In relevant part, immediate need "means the assistance unit lacks shelter or is at imminent risk of losing shelter." See N.J.A.C. 10:90-1.3(a)(1). Of note, immediate need assistance is not EA, and the denial/termination of immediate need assistance is not appealable.

N.J.A.C. 10:90-1.15, in pertinent part states, "An adult applicant for [Work First New Jersey ("WFNJ")] shall not be eligible for benefits when the applicant's eligibility is the result of a voluntary cessation of employment, without good cause, including 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 within 90 days prior to the date of application. The applicant shall be ineligible for assistance for a period of 90 days beginning with the date of quit. Other members of the adult applicant's assistance unit shall remain eligible to apply for benefits."

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."



Here, the record reveals that Petitioner applied for WFNJ/GA benefits on October 16, 2024, reporting that he had no income or resources. See Initial Decision at 2; see also Exhibit A at 6-12. On that same date, the Agency ran a wage system inquiry and discovered Petitioner had earned income during the second quarter of 2024, and unearned income during the third quarter of 2024. See Initial Decision at 3; see also Exhibit B at 13-14. Thereafter, Petitioner applied for EA benefits on January 16, 2025, and, due to his pending WFNJ/GA application, the Agency provided Petitioner housing on an immediate need basis. See Initial Decision at 3; see also Exhibit C at 15-18 and N.J.A.C. 10:90-1.3(a)(1). Upon information the Agency received from Petitioner's former employer, it was determined that Petitioner had been employed from August 23, 2023 through December 16, 2024, earning \$21 per hour, forty hours per week, and he voluntarily left his employment, without good cause, on January 8, 2025. See Initial Decision at 3; see also Exhibit D at 19-20, and N.J.A.C. 10:90-4.14(c). Based upon this information, the Agency denied Petitioner's application for WFNJ/GA benefits on March 20, 2025. See Exhibit E at 22. Based on the foregoing, the ALJ concluded that the Agency's denial of Petitioner's WFNJ/GA benefits, and the imposition of a 90-day ineligibility penalty, were proper and must stand. See Initial Decision at 4; see also Exhibit E at 22, and N.J.A.C. 10:90-1.15. I agree.

Additionally, the ALJ further concluded that, in accordance with applicable regulatory authority, due to the voluntary cessation of employment, the Agency's March 20, 2025 denial of EA benefits to Petitioner, and the imposition of a six-month period of ineligibility for EA benefits, were also proper and must stand. See Initial Decision at 4; see also Exhibit E at 24, and N.J.A.C. 10:90-6.1(c)(3). I also agree, but modify the Initial Decision to clarify that Petitioner was not granted EA benefits in January 2025, as stated by the ALJ, but rather, he was provided shelter on an immediate need basis as a result of his pending WFNJ/GA application. See Initial Decision at 3; see also N.J.A.C. 10:90-1.3(a)(1).

By way of comment, based on the record, I find that Petitioner's ninety-day period of ineligibility began to run on January 8, 2025, the date the Agency had determined that Petitioner had voluntarily quit his job. See Initial Decision at 2; see also Exhibits D, E and N.J.A.C. 10:90-1.15. As such, I find that Petitioner's WFNJ/GA benefits penalty period expired on April 8, 2025, and he may now reapply for WFNJ/GA benefits, if he has not already done so.

By way of further comment, Petitioner's six-month EA ineligibility penalty shall run from March 20, 2025, the effective date of the Agency's denial, through September 20, 2025. See also Exhibit E at 24.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. August 27, 2025

Natasha Johnson
Assistant Commissioner

