



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development

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*Director*

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

REMAND DECISION

OAL DKT. NO. HPW 10935-15 A.G.

AGENCY DKT. NO. C219699 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of her application for an extreme hardship extension of Emergency Assistance ("EA") benefits and the imposition of a six-month period of EA ineligibility. The Agency denied Petitioner's application because it contends that she caused her own homelessness due to a voluntary quit, and failed to provide necessary documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 31, 2015, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 4, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the Initial Decision, REVERSE the Agency determination, and REMAND this matter to the Agency for further action as set forth herein.

EA is a supportive service available when "the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." See N.J.A.C. 10:90-6.1(c). When a recipient adult member voluntarily quits employment,

without good cause, EA shall not be provided for a period of six months. N.J.A.C. 10:90-6.1(c)(3). However, good cause for failure to maintain employment will be found if child care is required, and it is not available. See N.J.A.C. 10:90-4.11(c)(3).

The record reflects that Petitioner and her three minor children receive monthly Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits of \$488.00, as well as Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits of \$552.00. See Initial Decision at 2. In January 2014, Petitioner was evicted from her apartment and, thereafter, the family began living with the children's grandmother, P.J., in her one-bedroom apartment. Ibid. However, on July 17, 2015, P.J. wrote a letter advising that her landlord demanded that Petitioner and her children immediately vacate the apartment because of overcrowded conditions. Ibid.

The record also reveals that Petitioner was recently terminated from her job at a McDonald's restaurant. See Initial Decision at 2. In Petitioner's application dated July 23, 2015, she asserts that she lost her job due to child care issues. See EA Hardship Extension Application to County of Hudson dated July 23, 2015, at 2. Specifically, Petitioner explained that she informed her supervisor that she could not work weekends because she had no child care, and was told that was acceptable. Ibid. Sometime later, the supervisor "went against her word" and fired Petitioner because she did not have weekend child care for her children. Ibid. Nevertheless, at the fair hearing, Petitioner testified that she was terminated by her employer without any explanation, and denied that she was fired for cause. See Initial Decision at 2-3.

On July 22, 2015, the Agency provided Petitioner with a list of documents to produce, including a letter from McDonald's stating the reason for her termination from employment. See Initial Decision at 3; see also N.J.A.C. 10:90-1.6(f). When Petitioner advised that she was unable to obtain a letter from her former employer, the Agency made several attempts to reach the employer by telephone, with no success. See Initial Decision at 3. Thereafter, on July 23, 2015, the Agency denied Petitioner's application for failure to provide necessary documentation concerning her termination from employment. See Initial Decision at 3.

Under the WFNJ regulations, both the Agency and the applicant have a responsibility to verify and document the applicant's eligibility. See N.J.A.C. 10:90-1.2(b). In addition, although applicants and recipients are the primary sources of information, the Agency is responsible for securing, from secondary sources, verification of an applicant's eligibility, which includes "contacting collateral sources as necessary." See N.J.A.C. 10:90-1.6(a). Moreover, "[t]he WFNJ worker shall assist the applicant in obtaining verification documentation, whenever necessary." See N.J.A.C. 10:90-1.6(f).

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Here, the Agency obtained from Petitioner a signed authorization form, stating that the Agency was authorized to contact Petitioner's former employer at its Bayonne address indicated on the form, to determine the reason for the termination of Petitioner's employment. See Authorization to Investigate dated July 22, 2015. On that basis, the ALJ found, and I agree, that the Agency "should have used its written authorization to contact [the employer] by mail to ascertain the circumstances of Petitioner's separation but failed to do so." See Initial Decision at 3. Instead, the Agency made no attempt to reach the employer by letter and, as a result, no conclusive evidence exists to prove that Petitioner voluntarily quit her job or was terminated for cause. Ibid.

Based on the foregoing, I agree with the ALJ's conclusion that Petitioner and her children are homeless, and that there is no proof that Petitioner caused her own homelessness. See Initial Decision at 4. Further, if Petitioner was terminated by her employer due to her inability to obtain weekend child care, as she states in her application, good cause exists under the WFNJ regulations for that type of employment termination. See N.J.A.C. 10:90-4.11(c)(3). Therefore, the Agency's denial of Petitioner's application, and the imposition upon Petitioner of a six-month EA ineligibility penalty based on an alleged "voluntary quit," must be reversed. Ibid. However, I hereby remand this case to the Agency for an evaluation of Petitioner's EA eligibility on the merits.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's action is hereby REVERSED, and this case is hereby REMANDED to the Agency for further action as set forth above.

**AUG 25 2015**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director