



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
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 12217-15 J.P.

AGENCY DKT. NO. GA316431 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of his application for Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner's applications on the contention that he caused his own homelessness due to a voluntary quit. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On August 18, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 19, 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 considered the record in this matter and the Initial Decision and, following an independent evaluation of the record, I ADOPT the ALJ's Initial Decision, REVERSE the Agency determination and REMAND the matter to the Agency as discussed below.

The record reflects that the Agency denied Petitioner WFNJ/GA and EA on the basis that Petitioner's Unemployment Insurance Benefits ("UIB") application had been denied because he was fired from his job for misconduct. See Initial Decision at 2; see also Exhibits R-1 and R-2. However, at the fair hearing, Petitioner produced an Appeal Determination proving that the denial of UIB benefits to Petitioner was overturned on appeal. See Initial Decision at 2.

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In light of the foregoing, the ALJ found that the Agency improperly denied Petitioner's applications because Petitioner was not fired for misconduct and, therefore, did not voluntarily quit his job. See Initial Decision at 3. Thus, the ALJ concluded, and I concur, that the Agency's denial of Petitioner's WFNJ/GA and EA applications should be reversed. See Initial Decision at 4. Moreover, I agree with the ALJ that this case must be remanded to the Agency for further evaluation of Petitioner's WFNJ/GA and EA eligibility on the merits. Ibid.

Accordingly, the Initial Decision in this matter 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 26 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director