



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 6494-15 T.W.

AGENCY DKT. NO. C472092 (ESSEX COUNTY DIVISION OF WELFARE)

The transmittal documents in this matter show that Petitioner is appealing the denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits due to an alleged voluntary quit from employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 4, 2015, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. During the hearing, Petitioner raised additional issues regarding the reduction of her Supplemental Nutrition Assistance Program, f/k/a Food Stamps, benefits, and the termination of Emergency Assistance ("EA") benefits. On June 8, 2015, the ALJ issued her Initial Decision reversing the Agency's denial of WFNJ/TANF benefits and reduction of SNAP benefits based upon a voluntary quit, and the termination of EA benefits. The ALJ ordered retroactive EA benefits to January 2015.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I reviewed the Initial Decision and have made an independent review of the record in this matter, and I hereby ADOPT the Initial Decision in part, specifically as to the determination on WFNJ/TANF and SNAP benefits. As outlined below, I REJECT the Initial Decision in part, on the issue of EA benefits and REMAND this matter back to the Agency for further clarification and evaluation on this issue.

The record in this matter reveals that Petitioner was denied WFNJ/TANF benefits in

Page 2

April 2015 due to a purported voluntary cessation of employment, and imposing a period of ineligibility to July 1, 2015. See Exhibit R-1 at 1-2 (citing N.J.A.C. 10:90-4.14(b)). The Agency's Adverse Action notice, dated April 28, 2015, further advised Petitioner that her SNAP benefits were to be reduced effective June 1, 2015. See *id.* at 3-4 (citing N.J.A.C. 10:87-10.5).

Based upon testimonial and documentary evidence provided by Petitioner, the ALJ concluded that Petitioner had not, in fact, voluntarily quit her employment from the United States Postal Service, but had been laid off from a seasonal position and would be eligible for rehire when a position became available. See Initial Decision at 2; see also Exhibit P-1. I agree. As the basis for the denial of WFNJ/TANF benefits and the reduction of SNAP benefits was based upon an improper voluntary quit, Petitioner is to be provided with WFNJ/TANF benefits back to the date of application, and her SNAP benefits are to be restored for time period at issue.

I respectfully disagree with the ALJ's conclusion that Petitioner is eligible for retroactive EA benefits to January 2015, without further clarification from the Agency first. Only WFNJ and Supplemental Security Income ("SSI") benefits recipient are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a). The record in this matter is devoid of any information which would allow me to determine if Petitioner was receiving WFNJ/TANF benefits during the months for which Petitioner now seeks retroactive EA benefits, or conversely, if Petitioner was not receiving WFNJ/TANF benefits during that period and why. As such, I am remanding this matter to the Agency to clarify the status of Petitioner's WFNJ/TANF benefits from January 2015, through April 2015. Following an evaluation of Petitioner's WFNJ/TANF benefits from January through April 2015, the Agency is to determine if Petitioner's EA benefits were improperly terminated in January 2015, as maintained by Petitioner. If it is determined that Petitioner's EA benefits were improperly terminated, Petitioner is to be provided with retroactive benefits.

Accordingly, the Initial Decision in this matter is ADOPTED in part, as to the denial of WFNJ/TANF benefits and reduction of SNAP benefits, and REJECTED in part, as to the granting of retroactive EA benefits. The Agency's determination on WFNJ/TANF and SNAP benefits is REVERSED and the Agency's action in terminating EA benefits is REVERSED and REMANDED to the Agency for further clarification and evaluation as outlined above.

Signed Copy on File
at DFD, BARA

JUN 19 2015

Natasha Johnson
Director