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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 04405-18 L.C.

AGENCY DKT. NO. S920902009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, Supplemental Nutrition Assistance Program ("SNAP") benefits, and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA and SNAP benefits, and imposed a 90-day and a 30-day period of ineligibility for said benefits, respectively, contending that he voluntarily quit employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 3, 2018, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 4, 2018, 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 MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination.

Eligibility for WFNJ/GA cash assistance benefits shall commence after the applicant has completed a minimum of 28 days in an employment-related activity through the New Jersey Department of Labor and Workforce Development. See N.J.A.C. 10:90-1.2(f)(8).

Here, Petitioner testified that he did not voluntarily quit his job, but rather, that he was unable to continue his employment because the vehicle that he relied on to get to work irreparably broke down, and because the friend with whom he lived was evicted from his apartment, leaving him homeless. See Initial Decision at 3; see also Exhibit R-1 at 2. Petitioner was not on the apartment lease. See Initial Decision at 3. The ALJ found Petitioner's testimony credible, and that Petitioner had good cause for leaving his employment. *Id.* at 6; see also N.J.A.C. 10:90-1.15, -4.14(c)(1), (9) and N.J.A.C. 10:87-10.5, -10.6(a)(10). Based on the foregoing, the ALJ concluded that Petitioner did not voluntarily quit employment, that the Agency's denial of WFNJ/GA and SNAP benefits was improper, and that no penalties should apply. See Initial Decision at 6; see also Exhibit R-2. Further, the ALJ concluded that there was no regulatory authority that requires Petitioner to reside in the county for 30 days before he is eligible for receipt of WFNJ/GA and SNAP benefits as asserted by the Agency. See Initial Decision at 2-3, 6; see also N.J.A.C. 10:90-2.11, and N.J.A.C. 10:87-2.19(f).

I agree with, and hereby adopt, the ALJ's conclusion, with the following contingency. As it appears from the record that Petitioner has not completed the mandatory WFNJ 28-day work activity, I find that Petitioner's receipt of WFNJ/GA benefits is contingent upon him first completing the mandatory 28-day work related activity, with benefits to be provided upon completion of that activity. See N.J.A.C. 10:90-1.2(f)(8). The Initial Decision is modified to reflect this finding.



By way of comment, the transmittal in this matter indicates that Petitioner also appealed a denial of EA benefits. However, at the time of the hearing, the parties agreed that Petitioner had not yet applied for EA benefits, and as such, the ALJ did not address Petitioner's eligibility for EA benefits. See Initial Decision at 2 n.1. Therefore, Petitioner's EA benefits issue is not addressed in this Final Decision.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED.

Officially approved final version.

APR 13 2018

Natasha Johnson
Director

