



DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 7706-15 J.R.

AGENCY DKT. NO. C409044 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA/TRA because she caused her own homelessness as a result of being dismissed from her employment without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 4, 2015, the Honorable Lisa James-Beavers, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 5, 2015, the ALJ issued her Initial Decision affirming in part and reversing in part the Agency determination.

At the hearing, the ALJ found that the Agency properly denied Petitioner's EA/TRA application because Petitioner did not have good cause for being dismissed from her job. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(3) (stating that EA is not granted when homelessness was direct result of applicant's voluntary cessation of employment without good cause). However, the ALJ also found that the six-month EA ineligibility penalty imposed upon Petitioner for voluntarily leaving her employment on February 4, 2015, was improper because Petitioner was not receiving EA at the time she voluntarily quit her employment. See Initial Decision at 5-6.

Neither party filed exceptions to the Initial Decision.

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 in part,

and REJECT in part, the ALJ's Initial Decision, and hereby AFFIRM the Agency's determination.

Specifically, I ADOPT the ALJ's affirmation of the Agency's denial of Petitioner's EA/TRA application because Petitioner voluntarily quit her employment. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.1(c)(3). However, I REJECT the ALJ's reversal of the six-month penalty assessed against Petitioner for her voluntary cessation of employment. See Initial Decision at 5. In her Initial Decision, the ALJ interprets N.J.A.C. 10:90-6.1(c)(3) to read that the six-month penalty shall be imposed on an EA recipient only, rather than an EA applicant. See Initial Decision at 5.

While the ALJ believes that a six-month penalty pursuant to N.J.A.C. 10:90-6.1(c)(3) is not applicable to Petitioner because she was not receiving EA when she voluntarily quit her job, the Work First New Jersey ("WFNJ") regulations indicate that a six-month EA ineligibility penalty shall be imposed when an adult EA applicant's behavior directly caused her homelessness or imminent homelessness. See N.J.A.C. 10:90-6.1(c)(3)(vi). Accordingly, because Petitioner is an adult EA applicant whose voluntary cessation of employment directly caused her own homelessness, the Agency correctly imposed a six-month EA ineligibility penalty upon her. *Ibid.*

By way of comment, I am hereby directing that Petitioner be referred to the Substance Abuse Initiative ("SAI") Clinical Care Coordinator for a substance abuse assessment.

Accordingly, the Initial Decision in this matter is hereby ADOPTED in part as to the affirmation of the Agency's denial of EA/TRA to Petitioner, REJECTED in part as to the ALJ's reversal of a six-month EA ineligibility penalty upon Petitioner pursuant to N.J.A.C. 10:90-6.1(c)(3), and the Agency's action is hereby AFFIRMED.

JUN 22 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director