



## State of New Jersey

### 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 7331-15 J.T.

AGENCY DKT. NO. GA29114 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's denial upon recertification of her Work First New Jersey/General Assistance ("WFNJ/GA") benefits, because she voluntarily quit her employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 8, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 28, 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 Initial Decision and the record in this matter and, having made an independent evaluation of the record, I hereby ADOPT the Initial Decision and REVERSE the Agency determination.

Here, Petitioner was the recipient of WFNJ/GA benefits through March 2015. See Initial Decision at 2. Effective March 12, 2015, the Agency found Petitioner ineligible for WFNJ/GA because she voluntarily resigned from her job on January 5, 2015. See Initial Decision at 2; see also Exhibit R-1 at 2-10. However, the record reflects that Petitioner is the sole caregiver for her aunt, M.L., a developmentally disabled adult with special needs. See Initial Decision at 2; see also Exhibit P-1 at 2-3. Petitioner testified that her first priority is the care of M.L., and that she must be home when M.L. is there because M.L. cannot care for herself. See Initial Decision at 2; see also Exhibit P-1 at 5.

Every Monday through Friday, M.L. attends an employment program at Easter Seals Disability Services, and she arrives home at 3:18 p.m. sharp. See Initial Decision at 2; see also Exhibit P-1 at 4. For that reason, Petitioner informed her employer that she could only work from 7:00 a.m. to 3:00 p.m., the hours that M.L. is at her day program. See Initial Decision at 2. At first, Petitioner's employer agreed to accommodate her, but after Petitioner completed her training, the employer advised that it could not guarantee Petitioner's ability to leave work at 3:00 p.m. every day. Ibid.; see also Exhibit P-1 at 5. Therefore, Petitioner voluntarily resigned and, at her employer's request, she prepared a resignation letter to her employer on January 5, 2015. See Initial Decision at 3; see also Exhibit R-1 at 19.

At the hearing, the ALJ found that, although Petitioner did voluntarily resign her employment, she had no choice but to do so under the circumstances, because her primary obligation was to care for M.L. See Initial Decision at 4. Accordingly, the ALJ opined that good cause exists for Petitioner's resignation and it should not be held against her. Ibid. On that basis, the ALJ concluded, and I concur, that Petitioner's WFNJ/GA benefits should continue and the Agency's determination should be reversed.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency determination is hereby REVERSED.

*Signed Copy on File*  
at DFD, BARA

**AUG 20 2015**

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Natasha Johnson  
Director