



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 12843-15 J.W.

AGENCY DKT. NO. S473849 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from the Respondent Agency's denial of Petitioner's application for Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's application because it contended that Petitioner voluntarily quit his employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 20, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 26, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

Exceptions to the Initial Decision were filed by South Jersey Legal Services, Inc. on November 17, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and, following an independent review of the record, I hereby ADOPT the Initial Decision and REVERSE the Agency determination.

The record reflects that the Agency denied Petitioner's application for EA/TRA because it determined that Petitioner had voluntarily quit his job. See Initial Decision at 2; see also Exhibit R-1 at 2-5. Petitioner's employer provided a letter dated July 30, 2015, indicating that Petitioner was terminated because he "violated policy." See Initial Decision at 2-3; see also Exhibit R-1 at 19. However, the ALJ noted that the employer's letter contained "no specific details or allegations of wrong doing." Ibid.

Moreover, Petitioner's manager provided a letter dated October 15, 2015, indicating

that Petitioner was not terminated because of his performance. See Initial Decision at 3; see also Exhibit P-1. At the hearing, Petitioner testified that, prior to being hired, he had explained to his manager that he has been a Megan's Law registrant since 2003, and he was hired nonetheless. See Initial Decision at 2. After working for the company for two pay periods, Petitioner was terminated on or about June 10, 2015. Ibid. Petitioner testified that his employer verbally advised him that he was being terminated because he was a Megan's Law registrant. See Initial Decision at 3.

Based on the foregoing, the ALJ concluded that Petitioner did not voluntarily quit his employment, nor was he terminated for performance-related reasons. See Initial Decision at 4. The ALJ opined that "it is plausible that [Petitioner] could have been let go because he was a registered sex offender and his employer might not have been willing to put that reason in writing." Ibid. Thus, the conduct that caused Petitioner's termination occurred in 2003, not in 2015. Ibid. Therefore, the ALJ concluded, and I concur, that the Agency's denial of EA/TRA to Petitioner was improper and must be reversed. Ibid.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's action is hereby REVERSED.

NOV 19 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director