



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 15508-15 S.R.

AGENCY DKT. NO. C206626 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits under the extreme hardship extension, and imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner an extension of EA benefits and imposed a six-month penalty because she voluntarily quit her employment, thereby causing her own emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 9, 2015, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 13, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

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 ADOPT the ALJ's Initial Decision, AFFIRM the Agency's determination, and REMAND the matter back to the Agency based on the discussion below.

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, EA benefits shall not be provided for a period of six months "when an actual or imminent state of homelessness exists as a direct result of the voluntary cessation of employment by the adult member without good cause," including situations in which an applicant has been discharged from employment due to an action or inaction on his or her part in violation of the employer's written rules or policies, or lawful job related instructions.

Here, the ALJ found that Petitioner voluntarily quit her employment, without good cause, by leaving her previous employment before she had a new job. See Initial Decision at 2. Accordingly, the ALJ found that the Agency properly denied Petitioner EA benefits and imposed a six-month penalty. Id. at 3; see also N.J.A.C. 10:90-6.1(c)(3). I concur.

However, because Petitioner testified that she is the victim of domestic violence, the ALJ found that she may be eligible for EA benefits, pursuant to N.J.A.C. 10:90-6.4(b)(iii). See Initial Decision at 3. Therefore, based on Petitioner's assertion of domestic violence, I am remanding the matter back to the Agency to refer Petitioner for a Family Violence Option risk assessment, pursuant to N.J.A.C. 10:90-20.1 et seq., which requirements shall be incorporated into her Individual Responsibility Plan, and EA service plan (if found eligible for EA benefits). See N.J.A.C. 10:90-4.8, -6.6(a)(1)(iii).

By way of comment, as it appears from the record that Petitioner may have an open case with the Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS, a copy of the Initial and Final Decisions shall be forwarded to DCP&P.

Accordingly, the Initial Decision is ADOPTED, the Agency's action is AFFIRMED, and the matter is REMANDED back to the Agency based on the discussion above.

OCT 22 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director