



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 11506-18 J.R.

AGENCY DKT. NO. C178413007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of retroactive utility payments and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had the capacity to plan, but failed to do so, thereby causing her own emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On August 14, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 15, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on June 4, 2018, Petitioner, a Supplemental Security Income recipient, applied for EA benefits in the form of back utility payments in the amount of \$899.42 in order to prevent her utilities from being shut off. See Initial Decision at 2; see also Exhibit P-2. Petitioner testified that she had made only one payment toward her utilities in the prior 12 months. See Initial Decision at 2-3; see also Exhibit R-4. Petitioner also testified that in September of 2017, after her car was totaled, she received \$4000 in insurance money and purchased a replacement car for over \$13,000, financed with a loan costing \$302 per month. See Initial Decision at 3; see also Exhibit P-1. The Agency denied Petitioner's application for EA benefits, and imposed the six-month EA ineligibility penalty, finding that she had mismanaged her funds and created her own emergency by not paying her utility bill. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3)(v). The ALJ agreed, finding that Petitioner had sufficient income to make utility payments, yet chose not to do so. See Initial Decision at 4-5. Therefore, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, as well as the six-month EA ineligibility penalty, was proper and must stand. *Id.* at 5; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3). I agree.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, the six-month EA ineligibility penalty shall run from July 19, 2018, the effective date of the Agency's denial of said benefits, through January 18, 2019. See Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3).

Accordingly, the Initial Decision is hereby ADOPTED and the Agency's determination is AFFIRMED.



Officially approved final version.

AUG 23 2018

Natasha Johnson
Director

