



State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt Governor*

TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Director*  
Tel: (609) 588-2000

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 06265-18 M.S.

AGENCY DKT. NO. C746378007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back utilities. The Agency denied Petitioner EA benefits contending that she had sufficient income to pay the monthly utility bills, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 3, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 4, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, it appears from the record that Petitioner receives monthly Retirement, Survivors and Disability Insurance ("RSDI") benefits in the amount of \$656.60 and monthly Supplemental Security Income ("SSI") benefits in the amount of \$67.13, totaling \$723.73. See Initial Decision at 2; see also Exhibit P-1. Petitioner also receives rental assistance and pays \$130 per month toward rent, and receives Supplemental Nutrition Assistance Program ("SNAP") benefits, as well as Medicaid. See Initial Decision at 2; see also Exhibit R-6. After applying for EA benefits in the form of back utility payments, the Agency denied Petitioner said benefits, finding that she did not take reasonable steps to avoid her emergent situation, and did not provide enough information to establish eligibility. See Initial Decision at 2; see also Exhibit R-1. The record reveals that Petitioner has not paid her utility bill for two years, her bill is now past due in the amount of \$5,302.97, and her utilities have been shut off. See Initial Decision at 2-3; see also Exhibits R-2, R-3. Petitioner admitted to only making one utility payment in two years, claiming that she used her SSI benefits to pay for bills left unpaid by Medicaid; however, she refused to provide any testimony or documentation to substantiate how much she paid out-of-pocket for said medical bills. See Initial Decision at 2-3. Based on the record provided, the ALJ found that Petitioner had sufficient household income to pay the utility bill, that Petitioner did not make a good faith effort to avoid her emergency, and that the Agency's denial of EA benefits in the form of back utility payments was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(a). I agree.

No Exceptions to the Initial Decision were received.

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 in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.



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

Officially approved final version.

**MAY 15 2018**

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Natasha Johnson  
Director

