



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 12706-24 R.J.

AGENCY DKT. NO. C038422001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of past due utility payments. The Agency denied Petitioner EA benefits contending that she was more than six-months behind in her utility payments. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 18, 2024, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On October 25, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner resides in subsidized housing where she does not pay any rent. See Initial Decision at 2; see also Exhibit R-1 at 28-29. The record also reflects that Petitioner is currently unemployed, she receives the employable rate of \$185 per month in Work First New Jersey/General Assistance ("WFNJ/GA") benefits, her average monthly gas usage is \$104, her average monthly electric usage is \$198, and she is more than six months past due in payments for both gas and electric. See Initial Decision at 2-4; see also R-1 at 26, 27, 30, 31. Consequently, the record reflects that Petitioner's electricity was scheduled to be shut off on July 20, 2024. See Initial Decision at 3; see also Exhibit R-1 at 26. Although Petitioner claimed that she was unable to work due to her current health condition, she failed to provide any documentation to substantiate that claim. See Initial Decision at 2, 7. Further, the record reflects that Petitioner has, to date, not applied for utility assistance, has no payment plans in place with her utility providers, nor does she have a plan for how she will pay her future monthly utility bills. Id. at 4, 7. Based on the foregoing, and in accordance with regulatory authority, the ALJ found that Petitioner failed to take the reasonable steps required to pay her utility bills, failed to demonstrate that she will be able to pay her utilities going forward, and failed to prove any extraordinary circumstance such that EA benefits in the form of more than six-months of past due utility bills would be warranted. Id. at 7; see also N.J.A.C. 10:90-6.3(a)(5)(i). Accordingly, the ALJ concluded that the Agency properly denied Petitioner EA benefits in the form of past due utility payments. See Initial Decision at 7; see also Exhibit R-1 at 1-6. I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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.

By way of comment, Petitioner is directed to apply for utility assistance with Low Income Emergency Assistance Program ("LIHEAP"), as well as, with the Universal Service Fund ("USF").



By way of further comment, Petitioner is advised that she may reapply for EA benefits in the form of past due utility payments, and must provide the Agency with proof of her current health condition, proof that she has attempted to enter into a repayment plan with her utility providers, as well as, proof that she has applied for LIHEAP and USF assistance, all required to determine eligibility for EA benefits in the form of past due utilities. See Initial Decision at 4, 7.

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

Officially approved final version. December 12, 2024

Natasha Johnson
Assistant Commissioner

