



State of New Jersey

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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 18179-17 C.C.

AGENCY DKT. NO. S583747012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of his application for Emergency Assistance ("EA") benefits in the form of back utility payments. The Agency denied Petitioner EA benefits contending that he failed to submit sufficient documentation, specifically, a 12-month utility payment history. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 12, 2018, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 6, 2018, the ALJ issued an Initial Decision, affirming Agency's determination.

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 hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Pursuant to N.J.A.C. 10:90-6.3(a)(5), EA benefits may be authorized for six months of retroactive utility payments in order to prevent the loss of utilities or make utilities operable.

Here, the record reflects that on October 6, 2017, Petitioner applied for EA benefits as he was in shut-off status with the utility company. See Initial Decision at 2; see also Exhibits R-1, R-9, and R-11. On October 12, 2017, the Agency notified Petitioner that he must provide six to 12 months of utility payment history in order to continue processing his application for EA benefits. See Initial Decision at 2; see also Exhibit R-4. In response, Petitioner provided the Agency with six months of utility payment history. See Initial Decision at 2; see also Exhibit R-9. Nevertheless, the Agency denied Petitioner EA benefits because Petitioner had not provided 12 months of utility payment history. See Initial Decision at 3; see also Exhibit R-12. Of note, Petitioner provided the Agency with a 12-month utility payment history at the time of the hearing. See Initial Decision at 4; see also Exhibit P-1. The ALJ found that Petitioner complied with the Agency's request by providing six months of utility payment history, and that the Agency failed to allow Petitioner the opportunity to provide the additional account history prior to its denial of EA benefits. See Initial Decision at 5-6; see also Exhibits R-4 and R-9.

However, on December 2, 2017, Petitioner made a utility payment which reduced the amount owed, and removed his account from shut-off status. See Initial Decision at 3-4; see also Exhibit P-1. Therefore, the ALJ found that there is no present or imminent threat of Petitioner losing utility service, and as such, no emergency exists. See Initial Decision at 5; see also N.J.A.C. 10:90-6.3(a)(5). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 6; see also Exhibit R-12. I agree.



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

Officially approved final version.

Natasha Johnson
Director

MAR 12 2018

