



State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 10491-18 K.L.

AGENCY DKT. NO. C313912007 (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. The Agency denied Petitioner EA benefits contending that she owed more than six months of past utility payments. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 26, 2018, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 27, 2018, the ALJ issued an Initial Decision, affirming the 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 up to six months of retroactive utility payments if such payments will prevent the loss of utilities or make utilities operable.

Here, the record reflects that Petitioner owes more than six months of retroactive utility payments. See Initial Decision at 2; see also Exhibits R-2, R-3. As a result, Petitioner's utilities have been shut off, and a \$4,261.16 retroactive utility payment is required to make her utilities operable. Ibid. However, the six months of past due payments allowable by regulatory authority would total approximately \$1,000, which would not be sufficient to restore Petitioner's utility services. See Initial Decision at 2; see also Exhibit R-2 at 2. Based on the foregoing, I concur with the ALJ's conclusion that the Agency properly denied Petitioner EA benefits. See Initial Decision at 3-4; see also Exhibit R-4, and N.J.A.C. 10:90-6.3(a)(5).



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

Officially approved final version.

**AUG - 6 2010**

Natasha Johnson

Director

