



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 10850-18 L.G.

AGENCY DKT. NO. C305893007 (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 had the capacity to pay her utility bill but failed to do so, and that no emergent situation existed. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On August 16, 2018, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 20, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on June 24, 2018, Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, applied for EA benefits in the form of back utility payments in the amount of \$386.13. See Initial Decision at 2; see also Exhibit R-3. In May of 2017, the Agency paid \$864.68 toward Petitioner's utility bill; however, Petitioner has made no payments toward the outstanding balance since then, and failed to set up a payment plan with the utility company. See Initial Decision at 2-3; see also Exhibit R-3. The Agency denied Petitioner's application for EA benefits, noting that Petitioner had the funds to pay her utility bill since she lived in subsidized housing, did not pay rent, and received WFNJ/TANF benefits, and because she was not in danger of an imminent utility shut off. See Initial Decision at 2; see also Exhibit R-4, and N.J.A.C. 10:90-6.1(c), -6.3(a)(v). The ALJ agreed, finding that Petitioner had sufficient income to make utility payments, yet chose not to do so, and that no imminent threat of utility shut off existed. See Initial Decision at 4-5. Therefore, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 5; see also Exhibit R-4, and N.J.A.C. 10:90-6.1(c), -6.3(a)(v). 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.



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

Officially approved final version.

AUG 27 2018

Natasha Johnson

Director

