



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 02453-18 M.B.

AGENCY DKT. NO. C131226006 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of payment for past due electric bills, and also seeks EA benefits for payment of his prospective electric bills, gas bills, real estate taxes, and homeowners' insurance. The Agency denied Petitioner EA benefits contending that there was no imminent danger of Petitioner's electric service being disconnected, and therefore, no emergency existed. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. Due to severe weather, the hearing originally scheduled for March 7, 2018, was rescheduled for April 4, 2018. On April 4, 2018, Petitioner requested, and was granted, an adjournment to consult with counsel. On April 11, 2018, the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 30, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on January 18, 2018, Petitioner applied for EA benefits for payment of his electric bill, which was in arrears. See Initial Decision at 2; see also Exhibit R-1 at 22-29. As per the notice from the electric company, Petitioner was required to pay the entire past due balance in full before January 10, 2018, to avoid disconnection of service. See Initial Decision at 2; see also Exhibit R-1 at 14. On January 31, 2018, the Agency contacted the electric company. See Initial Decision at 3; see also Exhibit R-1 at 10, and N.J.A.C. 10:90-6.1(a)(2). The electric company confirmed that Petitioner made a payment of \$100 on January 10, 2018, and also made payment arrangements to pay down the remaining balance due. See Initial Decision at 3; see also Exhibit R-1 at 10. The electric company also confirmed that Petitioner was no longer in danger of having his electric service disconnected. Ibid. Therefore, on January 31, 2018, the Agency denied Petitioner's application for EA benefits contending that he was no longer in an emergent situation. See Initial Decision at 3; see also Exhibit R-1 at 2-4, and N.J.A.C. 10:90-6.3(a)(5). Moreover, Petitioner acknowledged that when he was denied, his electric bill was not in imminent shutoff status. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that Petitioner was not facing an emergency situation when he applied for EA benefits on January 18, 2018. See Initial Decision at 5; see also Exhibit R-1 at 22-29, and N.J.A.C. 10:90-6.3(a)(5). Accordingly, the ALJ affirmed the Agency's denial of Petitioner's application for EA benefits. See Initial Decision at 6; see also Exhibit R-1 at 2-4, and N.J.A.C. 10:90-6.1(c). I agree.

Further, at the time of the hearing, Petitioner also sought EA benefits for payment of his gas bill, real estate taxes, and homeowners' insurance. See Initial Decision at 1, 3; see also Exhibit R-1 at 15-20. However, Petitioner's application for EA benefits did not include a request for payment of his gas bill; nor did it include a request for payment of his real estate taxes and homeowners' insurance. See Initial Decision at 6; see also Exhibit R-1 at 22-29. Therefore, the ALJ concluded that the additional relief sought by Petitioner was outside the scope of this appeal, and denied Petitioner's additional requests for relief. See Initial Decision at 6. I also agree. Additionally, I note that EA benefits in the form of payment of



real estate taxes and homeowner's insurance is only authorized if those costs are subsumed within the monthly mortgage payment amount. See N.J.A.C. 10:90-6.3(a).

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

Officially approved final version.

MAY 16 2018

Natasha Johnson

Director

