



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 00068-18 T.D.

AGENCY DKT. NO. C105802004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she failed to provide requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 29, 2018, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until April 9, 2018, to allow Petitioner the opportunity to produce documentation regarding gas and electric billing. By April 11, 2018, Petitioner had not provided the documentation. Petitioner then requested an extension, and the record was kept open until April 19, 2018, and then closed.

On May 10, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on November 17, 2017, Petitioner applied for EA benefits in the form of assistance with back utility payments. See Initial Decision at 2. In order to determine Petitioner's eligibility for EA benefits, the Agency requested that Petitioner provide a 12-month ledger for gas service, a 12-month ledger for electric service, and verification that the mortgage and taxes were current. *Ibid.*; see also Exhibit R-3. Petitioner was directed that the requested information was due by December 17, 2017. *Ibid.* On December 19, 2017, after the requested information was not received, the Agency denied Petitioner EA benefits. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-1.6, -2.2(a)(5). At the hearing, Petitioner produced gas and electric billing information, and testified that the information had been timely provided to the Agency by a third party. See Initial Decision at 3, 5; see also Exhibit P-2. After the hearing, and while the record remained open, Petitioner sought to support her testimony by submitting a third-party letter, dated April 16, 2018, which stated that the requested records were provided to the Agency, by that third-party, in a timely manner. See Initial Decision at 5-6; see also Exhibit P-4. However, the ALJ found that while the letter claims that confirmation of the fax was received, no details of the information provided or actual confirmation of the sent fax were produced. See Initial Decision at 6. Further, the ALJ found that the letter was hearsay and that Petitioner had not provided a residuum of competent evidence to support the contention that the requested gas and electric information had been timely provided to the Agency. See Initial Decision at 6-7; see also Exhibit P-2, and N.J.A.C. 1:1-15.5(a), (b). Based on the foregoing, the ALJ concluded that Agency's decision to deny Petitioner EA benefits was proper and must stand. See Initial Decision at 7; see also Exhibit R-2, and N.J.A.C. 10:90-1.6, -2.2(a)(5).

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.



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By way of comment, Petitioner is without prejudice to re-apply for EA benefits, provided she continues to need EA benefits and is otherwise eligible for same, in accordance with N.J.A.C. 10:90-6.1 et seq.

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

Officially approved final version.

JUN 04 2018

Natasha Johnson

Director

