



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 **11601-19 E.F.**

AGENCY DKT. NO. **C612051007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back utilities. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for August 23, 2019, but was adjourned at the request of Petitioner. The matter was rescheduled for August 28, 2019, before the Honorable Barry E. Moscovitz, Administrative Law Judge ("ALJ"). On August 29, 2019, the ALJ issued an Initial Decision dismissing Petitioner's appeal, and affirming the Agency's determination.

The record in this matter reflects that, on August 28, 2019, Petitioner and the Agency's representative appeared for the scheduled hearing, but before the case was heard, Petitioner walked out of the hearing room and did not return. See Initial Decision at 2. As a result, the ALJ found that Petitioner had abandoned the hearing, and dismissed her appeal. Id. at 3-4. Also, based on indications from a brief preliminary discussion about the case, the ALJ concluded that Petitioner had caused her own emergent situation and that she had the capacity to plan to avoid said emergency, but failed to do so. Id. at 2-3. Accordingly, the ALJ determined that the Agency's denial of EA benefits to Petitioner was proper and must stand. Id. at 3-4; see also N.J.A.C. 10:90-6.1(c). Finally, the ALJ indicated that, should Petitioner reapply for EA benefits, the Agency should confirm that Petitioner has, in fact, entered into a payment plan with the utility company and has made at least one payment towards the balance owed, as was discussed prior to Petitioner abandoning the hearing. See Initial Decision at 3. I agree.

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 action is hereby AFFIRMED.

Officially approved final version.

Natasha Johnson
Director

