



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

REMAND DECISION

OAL DKT. NO. HPW 04544-19 T.B.

AGENCY DKT. NO. C297046007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back utilities. The Agency denied Petitioner EA benefits, contending that Petitioner failed to plan to avoid her emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 3, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On that same date, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on April 10, 2019.

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 MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

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, at the time of the hearing, the record indicated that Petitioner's utilities had been shut off, and that her utility arrears were \$2,251.83. See Initial Decision at 2-3; see also Exhibit R-1 at 20-26. Based on the foregoing, as well as Petitioner's particular circumstances, specifically the fact that she has a disabled child and would be at risk of losing her subsidized housing if her back utilities were not paid, the ALJ concluded that Petitioner is eligible for EA benefits in the form of back utility payments, and reversed the Agency's denial of said benefits to Petitioner. See Initial Decision at 3-4; see also Exhibit R-1 at 1-4, 31-34, and N.J.A.C. 10:90-6.3. Based on the information available at the time of the hearing, I agree with the ALJ's conclusion.

However, pursuant to the Agency's filed Exceptions, it appears that Petitioner recently paid \$1,200 toward her past due utility bill; that her utilities had not, in fact, been shut off; and that she has been put on a repayment plan with the utility company, with the first installment due in June 2019. See Exceptions, dated April 10, 2019. In light of this current information, I am remanding the matter to the



Agency to reevaluate Petitioner's eligibility for EA benefits in the form of back utilities. See N.J.A.C. 10:90-6.3(a)(5). The Initial Decision is modified to reflect this finding.

By way of comment, Petitioner is advised that should the Agency again deny her EA benefits in the form of back utilities, she may request another fair hearing on that issue alone.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's action is REVERSED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version.

Natasha Johnson
Director

APR 12 2019

