



State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 12919-18 A.B.

AGENCY DKT. NO. C255868007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back utilities. The Agency denied Petitioner EA benefits contending that she has exhausted her lifetime limit of EA benefits, plus all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 13, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until September 17, 2018, to permit the parties to submit written argument, after which the record was then closed.

On September 17, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that as of September 4, 2018, Petitioner owed a total of \$923.46 in back utilities. See Initial Decision at 2; see also Exhibit P-1. The record further indicates that Petitioner is only seeking EA benefits in the amount of \$435.39 toward the payment of those back utilities, that she will contribute \$94, and that the Division of Child Protection and Permanency ("DCP&P") will pay the remaining \$394.07. See Initial Decision at 2-3. Although the Agency denied Petitioner EA benefits for payment of her back utilities because she had exhausted her 12-month lifetime limit of EA benefits, plus two six-month extreme hardship extensions, the ALJ found Petitioner eligible for an extension of up to six months of EA benefits in accordance with N.J.A.C. 10:90-6.4(f) due to recent domestic violence. See Initial Decision at 2-3; see also Exhibits P-5, P-6, R-1, and N.J.A.C. 10:90-6.4(a), (b), (d). As such, the ALJ concluded that the Agency's denial of EA benefits was improper, and ordered the Agency to provide Petitioner with EA benefits in the amount of \$435.39 towards payment of Petitioner's back utilities. See Initial Decision at 3-4; see also Exhibit R-1, and N.J.A.C. 10:90-6.4(f). I agree and direct the Agency to pay the \$435.39 only towards Petitioner's back utilities.

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.

By way of comment, as it appears that Petitioner has an open case with the DCP&P, a copy of the Initial and Final Agency Decisions in this matter shall be forwarded to DCP&P.



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

Officially approved final version.

SEP 24 2018

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Natasha Johnson

Director

