



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Assistant Commissioner*

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 **04171-23 L.J.**

AGENCY DKT. NO. **C436976016 (PASSAIC 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 had the realistic capacity to plan in advance to avoid her emergent situation, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 17, 2023, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On May 19, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, providing a detailed and well thought out analysis, applying law to fact. See Initial Decision at 2-8. Specifically, the ALJ found that Petitioner had sufficient income and the realistically capacity to plan in advance to avoid her emergent situation, and that she had failed to provide documentation demonstrating that she had spent her monies on items deemed appropriate, necessary, or reasonable for decent and daily living. See Initial Decision at 2-4; see also Exhibit R-1, at 6, 13-16, 18-25, and N.J.A.C. 10:90-6.1(c)(1)(ii). Of note, Petitioner did not dispute her income amounts and dates received. See Initial Decision at 2, 4. Moreover, the ALJ also found that Petitioner's testimony on how she spent down her monies was either exaggerated or indicated that it was spent on items which were unnecessary. *Id.* at 4-7. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. *Id.* at 7-8; see also Exhibit R-1 at 2-3. I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on May 23, 2023.

As Assistant Commissioner, 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, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.



By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version.      May 24, 2023

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Natasha Johnson  
Assistant Commissioner

