



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 16860-18 J.G.

AGENCY DKT. NO. S414155010 (HUNTERDON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and Emergency Assistance ("EA") benefits in the form of back utilities. The Agency denied Petitioner WFNJ/GA and EA benefits contending that she failed to prove that available funds were exhausted on items deemed appropriate, necessary, or reasonable for decent living. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 29, 2018, the Honorable Patricia M. Kerins, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 30, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found Petitioner credible when she testified that she was unable to pay her utility bills during the time that she was receiving Unemployment Insurance Benefits ("UIB") of \$310 per week due to basic living expenses such as rent, food for herself and her son, oil for heat, car insurance, propane fuel for cooking, medical expenses, and the purchase of a replacement car following a car accident. See Initial Decision at 3-4; see also Exhibits R-1, R-2 and R-3. Petitioner claimed, the ALJ found, and the record substantiates, that the Agency had never requested that Petitioner provide it with a list of her expenditures, prior to its denial of EA benefits on the basis that Petitioner had failed to do so. See Initial Decision at 3-4; see also Exhibit R-7. Based on the testimony and evidence presented, the ALJ concluded that Petitioner's funds had been exhausted for "items deemed appropriate, necessary or reasonable for decent living," and therefore, that the Agency's denial of EA benefits to Petitioner in the form of back utilities was improper and must be reversed. See Initial Decision at 5; see also Exhibit R-7, and N.J.A.C. 10:90-6.1(c)(1)(ii). I agree.

Exceptions to the Initial Decision were filed by the Agency on December 3, 2018.

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 comment, the transmittal in this matter indicates that Petitioner also appealed a denial of WFNJ/GA benefits. At the time of the hearing, the ALJ found that Petitioner is receiving WFNJ/GA benefits, and the record indicates that the Agency was not challenging Petitioner's eligibility for said benefits. See Initial Decision at 2. Therefore, Petitioner's WFNJ/GA benefits issue is now moot, and therefore not addressed in this Final Decision.

By way of further comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b) which states, "[t]he county or municipal agency representative must have knowledge of the matter at issue and must be able to present the agency case, supplying the ALJ with that information needed to substantiate the agency action."

Also, by way of comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. DEC 07 2018

Natasha Johnson
Director

