



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 03872-20 Y.B.

AGENCY DKT. NO. C653966007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back utility payments. The Agency denied Petitioner EA benefits, contending that she had the capacity to prevent her emergency, as she was receiving utility assistance from a charity. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 17, 2020, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on March 17, 2020, the ALJ issued an Initial Decision, reversing the Agency determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

N.J.A.C. 10:90-6.3(a)(5) provides, in pertinent part, that payment shall be authorized up to six calendar months of retroactive utility payments if it will prevent the loss of utilities or make utilities operable. Payment for more than six calendar months of retroactive utility payments shall be made only under extraordinary circumstances subject to authorization by DFD.

Here, the record in this matter reflects that Petitioner applied for back utility payments in the amount of \$634.32. See Initial Decision at 2. The record further shows that a shut-off notice is pending. Ibid. The Agency denied Petitioner EA benefits in the form of back utilities, contending that Petitioner was receiving utility assistance from a charity. Id. at 2,3. Petitioner testified that, while she does receive utility assistance from a charity, her utility bills are higher than the amount of assistance received due to medical equipment that is continuously running. Id. at 3. Petitioner further stated that she used her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") cash benefits to assist with back rent owed, and therefore, those funds were not available to pay the remaining utilities balance. Ibid. Finding Petitioner's testimony credible, the ALJ concluded that Petitioner had no choice but to use her WFNJ/TANF funds towards back rent, thus causing her to fall behind in paying her utilities,



and ordered the Agency to pay her utilities arrears in the of \$632.34. Id. at 3-4. I agree, and direct the Agency to pay Petitioner's utilities arrears so as to prevent shut-off and also bring her current. See N.J.A.C. 10:90-6.3(a)(5).

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

Officially approved final version.

MAR 20 2020

Natasha Johnson

Assistant Commissioner

