



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development

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*Acting Commissioner*

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*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 4851-15 A.E.

AGENCY DKT. NO. C178152 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of retroactive utility payments. The Agency denied Petitioner's application for EA on the basis that Petitioner had failed to comply with her service plan to make regular contributions to her utility bill, as the Petitioner had not made a payment since June 2014. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 17, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On April 20, 2015, the ALJ issued an Initial Decision reversing the Agency determination. The ALJ noted that initially the Agency unequivocally denied Petitioner's request for EA benefits in the form of utility assistance. However, the Agency subsequently agreed to pay approximately half of the arrears to assist Petitioner in reversing the shut-off notice. See Initial Decision at 3. Notably, the Agency expects Petitioner to contribute in addition to the utility assistance she is already receiving in order to restore her account to good standing. *Ibid.*

No Exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision and I ADOPT the Initial Decision and REVERSE the Agency determination.

The purpose of EA is to meet the emergent needs, such as imminent homelessness, of public assistance and Supplemental Security Income ("SSI") applicants/recipients. See N.J.A.C. 10:90-6.1(a). When there is no other source of support available, EA may be authorized for six months of retroactive utility payments in order to prevent the loss of utilities or make utilities operable. See N.J.A.C. 10:90-6.3(a)(5). On the other hand, EA is not available when the assistance unit has a realistic capacity to plan in advance. See N.J.A.C. 10:90-6.1(c). Further, as part of the determination of EA eligibility, the Agency must evaluate all potential contributions of support to the household. N.J.A.C. 10:90-6.1(c)(2).

A review of the record in this matter establishes Petitioner lives in an apartment with her eight year old son. Petitioner's monthly income consists of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits; Petitioner son's SSI benefits; and, universal utility assistance. See Initial Decision at 2. Despite Petitioner obtaining a Bachelor's degree and having a history of employment, due to Petitioner's illness, she lost her job but is currently ready, willing, and able to work. Ibid. Indeed, Petitioner is actively seeking employment. Ibid.

The dispute at issue arose when Petitioner applied to the Agency for assistance regarding Petitioner's service plan with her utility company. Ibid. The Agency denied Petitioner's application on the basis that Petitioner had not made a payment to the utility company since June 2014. Ibid. The undisputed facts confirm Petitioner has only \$176 remaining after she makes her rent payment and took out a loan in November 2014 in the amount of \$2,100 with the monthly payment of \$66 automatically deducted from her bank account, which is reducing Petitioner's son's SSI disbursement. Ibid.

Petitioner has received past utility assistance in the amount of \$480 and twelve months of Temporary Rental Assistance. Ibid.

Subsequent to the Agency's initial denial of Petitioner's application, the Agency reconsidered and offered to pay half of the utility arrears so as to have the utilities restored. Id. at 3. With the caveat, however, that Petitioner contribute to the remaining arrears, in addition to the utility assistance she is currently receiving in order to maintain her account into good standing. Ibid.

The ALJ concluded that based upon the above evidence the Agency's compromise was in fact reasonable and would not place a burden upon Petitioner. Ibid. I concur with the ALJ's decision.

Accordingly, I ADOPT the ALJ's Initial Decision and REVERSE the Agency's action.

*Signed Copy on File*  
at DFD, BARA

**APR 30 2015**

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Natasha Johnson  
Director