



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 13263-14 C.R.

AGENCY DKT. NO. C088711 (CUMBERLAND COUNTY BD OF SOC 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 available resources, and therefore the realistic capacity to plan and avoid her present emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 20, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On November 21, 2014, the ALJ issued an Initial Decision affirming the Agency determination. The ALJ noted that Petitioner lives in subsidized housing and pays no rent. See Initial Decision at 2. The ALJ agreed with the Agency that Petitioner had sufficient funds to avoid her present emergency. See *id.* at 3. Furthermore, Petitioner had previously agreed to a payment plan with the utility company and had breached that agreement. *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 following an independent review of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's action is hereby AFFIRMED.

DEC - 2 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director