



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 16003-15 G.W.

AGENCY DKT. NO. V625037 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of back utilities. The Agency denied Petitioner EA benefits because it determined that she had the realistic capacity to pay her utility bills, thereby causing her own housing emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 15, 2015, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On October 16, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination. The record shows that Petitioner's utility services were disconnected, and that she had entered into a deferred payment agreement. See Initial Decision at 2; see also Exhibit P-3. The record also shows that Petitioner receives monthly Supplemental Security Income ("SSI") benefits in the amount of \$764.25, Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits in the amount of \$115, and utilities offset by Universal Service Fund in the amount of \$10.70. See Initial Decision at 2; see also Exhibits R-1 at 2, and P-1 at 1. The ALJ found that Petitioner had not demonstrated that she had exhausted available funds on items deemed appropriate, necessary or reasonable for decent living or that such expenditures were made as the result of a significant occurrence or situation. See Initial Decision at 2 and 3; see also Exhibit P-4. The ALJ further found that Petitioner had the realistic capacity to pay her utility bills, but failed to do so without good cause. *Id.* at 3; see also N.J.A.C. at 10:90-6.1(c). Accordingly, the ALJ concluded that the Agency properly denied Petitioner's application for EA benefits. *Ibid.* I agree.

No Exceptions to the Initial Decision were filed.

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 in this matter.

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

OCT 27 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director