



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 4658-15 W.P.

AGENCY DKT. NO. C089657 (MERCER COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her request for Emergency Assistance ("EA") in the form of a utility allowance. The Agency denied Petitioner's request because Petitioner had the realistic capacity to meet her household expenses, including utility expenses, as the household composition provided sufficient income resources. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On April 7, 2015, the Honorable Robert Bingham II, Administrative Law Judge ("ALJ"), held an emergent plenary hearing, took testimony and admitted documents. On April 8, 2015, the ALJ issued an Initial Decision affirming the Agency determination.

Neither party filed exceptions to the Initial Decision.

As Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the Initial Decision and AFFIRM the Agency determination.

EA shall be made available through the Work First New Jersey ("WFNJ") program as a supportive service to meet the emergent needs of WFNJ recipients, so that recipients shall not be prevented from complying with the work requirement due to disruptions caused by homelessness and related emergencies. EA is also available to Supplemental Security Income ("SSI") recipients. N.J.A.C. 10:90-6.1(a). EA benefits are limited to twelve months, plus limited extensions for "extreme hardship." N.J.A.C. 10:90-6.4; N.J.S.A. 44:10-51.

The regulations also provide, in pertinent part, that "The county or municipal agency shall provide emergency assistance when there has been a substantial loss of...utilities...and the county or municipal agency determines that the provision of...utilities is necessary for health and safety." N.J.A.C. 10:90-6.1(c). Moreover, as delineated in the pertinent part of the regulations, "As part of the determination of eligibility for emergency assistance, the agency shall evaluate all potential contributions of support to the household, including income received by ineligible household members." N.J.A.C. 10:90-6.1(c)(3). Recipients are required to contribute to the payment of their EA, including utilities. N.J.A.C. 10:90-6.5(a). The EA recipient contribution is based on all income available to the EA household. N.J.A.C. 10:90-6.5(a)(1).

Here, Petitioner applied for EA, on March 24, 2015, because her utilities were to be turned off. See Initial Decision at 2; Exhibit R-1 at 1. Petitioner's request for an EA utility allowance was denied by the Agency, effective March 24, 2015. See Exhibit R-10 at 2.

In her EA application, Petitioner stated her household composition as being seven individuals, consisting of four adults, including Petitioner, who is an SSI recipient, two minor children and a minor grandson. See Exhibit R-1 at 1-2. In the Initial Decision, the ALJ notes Petitioner's household composition as being six individuals, consisting of Petitioner, two adult children, two minor children and a minor grandson. It appears that an individual listed in Petitioner's EA application, that is her adult son, MP, was not counted in the ALJ's household composition calculation. See Initial Decision at 2; Exhibit R-1 at 1.

Petitioner receives SSI in the amount of \$336.00 and \$428.00 Social Security Disability, as well as \$975.00 in child support, all on a monthly basis. See Initial Decision at 2. Her adult daughter, W.M., receives at least \$1,145.00 monthly, and her adult daughter, B.P., earns approximately \$1,900.00 monthly. See Initial Decision at 2; Exhibit R-1 at 1. Thus, the household's monthly-income resources are approximately \$4,800.00. Petitioner's rent is indicated to be \$470.00 monthly and utility bills, as an average from January 2015 through March 2015, are \$351.00 monthly, and her utility bills being \$989.00 in arrears. See Initial Decision at 2.

Petitioner contends that her two adult daughters, W.M. and B.P., are not part of her household, and their income should not be considered. See Initial Decision at 2-3; Exhibits P-1, P-3 and P-4. The ALJ found Petitioner's testimony contradictory as to household composition and noted that Petitioner "conceded that she likely told the Board worker that W.M. resides with her." See Initial Decision at 3.

The ALJ concluded that Petitioner's monthly household income is more than enough to cover her utility expenses. The ALJ therefore concluded that the Agency's determination to deny EA in the form of a utility allowance was appropriate. I agree with the ALJ's conclusions.

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

APR 22 2015

Signed Copy on File

at DFD, BARA

Natasha Johnson
Director