



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 11185-14 E.H.

AGENCY DKT. NO. C257435 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Petitioner's application for Emergency Assistance ("EA") benefits to pay back utility bills totaling \$4,488.35. The Agency denied Petitioner's application for EA because she owed more than six months of utility payments and there was no assurance that the utility would restore her service upon payment in the amount owed for the largest six monthly bills of service, which totaled \$2,447.83. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 9, 2014, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents, and issued his Initial Decision affirming the Agency determination.

No exceptions were filed to the Initial Decision.

As the 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 accept and adopt the Findings of Fact and Conclusions of Law as contained in the Initial Decision.

Petitioner resided in an apartment in Newark, New Jersey. Petitioner's utility service was terminated in April 2014. Initial Decision at 2. Petitioner also did not pay rent for her apartment in April 2014. Ibid. Thereafter, Petitioner and her children left the apartment to reside with her mother. Ibid. Petitioner currently receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits in the amount of \$322 per month, Supplemental Security Income ("SSI") for her son in the amount of \$752 per month, and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a/ the Food Stamp Program, benefits of \$220 per month.

N.J.A.C. 10:90-6.3(a)(5)i provides that payment for more than six months of retroactive utility payments shall be made only under extraordinary circumstances subject to authorization by the Division of Family Development. Extraordinary circumstances include, but are not limited to, loss of employment, imminent danger of the breakup of the family unit, risk of imminent physical danger, abuse or neglect of a member of the assistance unit, risk of serious harm to persons who are medically diagnosed as physically/mentally unable to care for themselves, or the request for EA arises out of a substantial loss of shelter, food, clothing household furnishings or essential utilities incurred as a result of a natural disaster. N.J.A.C. 10:90-6.4(b)(1)(i-v).

Petitioner owes more than six months of back utility payments totaling \$4,488.35. There has been no showing that Petitioner has experienced any extraordinary circumstances that would warrant paying more than six months of back utility bills on her behalf. The ALJ noted that payment of the back utilities would not prevent the loss of Petitioner's apartment inasmuch as Petitioner stopped paying her rent and relocated to live with her mother in April 2014. See Initial Decision at 2,3.

Petitioner has an income of \$1,074 and receives SNAP benefits in the amount of \$220 per month. She is not presently homeless or in a state of imminent homelessness due to circumstances beyond her control. See N.J.A.C. 10:90-6.1(c). In fact, the ALJ finds, and I agree, that the Petitioner had a realistic capacity to locate substitute housing. See Initial Decision at 3. Therefore, I conclude that Petitioner's application for EA benefits was properly denied.

Accordingly, the Initial Decision in the action is hereby ADOPTED and the Agency action is AFFIRMED.

NOV 20 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director