



State of New Jersey

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Governor

**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 01263-18 M.J.

AGENCY DKT. NO. C436332007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and challenges the correctness of his Supplemental Nutrition Assistance Program ("SNAP") benefits amount. The Agency denied Petitioner WFNJ/GA benefits contending that his income exceeds the initial maximum income eligibility limits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 5, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 29, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that by signed Affidavit, Petitioner stated that he earns \$1,000 a month from boxing. See Initial Decision at 2-3; see also Exhibit R-2. Based on that Affidavit, the Agency determined that Petitioner was not eligible for WFNJ/GA benefits because his income exceeded the initial maximum income eligibility limit for receipt of said benefits. See Initial Decision at 2-3; see also N.J.A.C. 10:90-3.5(a). Accordingly, by notice dated January 17, 2018, the Agency denied Petitioner WFNJ/GA benefits. See Exhibit R-1. Nonetheless, the Agency kept Petitioner's WFNJ/GA case open until March 9, 2018, to allow Petitioner the opportunity to submit a letter from his employer that might allow for a different accounting of his monthly income than what he had sworn to in his affidavit. See Initial Decision at 2. On March 6, 2018, Petitioner provided the Agency with a notarized letter from the boxing coach at his gym, wherein his coach stated that Petitioner is just a gym member, who pays \$35 a month in gym dues, and does not get paid for coming to the gym. Ibid. Regardless, the Agency did not rescind its denial and Petitioner appealed. At the hearing, Petitioner testified that he did not understand the Affidavit, did not read the Affidavit, and that the earnings state therein were not accurate. Ibid. However, Petitioner could not explain why he had put that information on the Affidavit or why he signed it if he did not understand the document. Ibid.

The ALJ found that Petitioner voluntarily signed the Affidavit, on which he wrote himself that he made \$1,000 a month as a boxer, and that the Agency's denial of WFNJ/GA benefits based on the income stated therein was proper. Id. at 3; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-3.5(a). Of note, the ALJ found that the letter from Petitioner's boxing coach carried little weight. See Initial Decision at 3. Based on the entirety of the record, the ALJ concluded that Petitioner is ineligible for WFNJ/GA benefits, and affirmed the Agency's denial of EA benefits to Petitioner. See Initial Decision at 4; see also Exhibit R-1. I agree.

No Exceptions to the Initial Decision were received.



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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.

By way of comment, the transmittal in this matter indicates an additional contested issue regarding the correctness of Petitioner's SNAP benefits amount, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning the correctness of his SNAP benefits amount, he may request another fair hearing on that issue alone.

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

Officially approved final version.

APR - 5 2018

Natasha Johnson

Director

