



## DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
P.O. Box 716  
TRENTON, NEW JERSEY 08625

Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

Elizabeth Connolly  
*Acting Commissioner*

Natasha Johnson  
*Director*  
Tel. (609) 588-2400

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 8671-15 J.P.

AGENCY DKT. NO. GA575234 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits because he failed to provide the Agency with documentation of any spend-down of his self-employment earnings, needed to determine income eligibility for continued WFNJ/GA benefits. The Agency terminated Petitioner's EA benefits because he failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 17, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 18, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's actions.

Exceptions to the Initial Decision were filed by Petitioner on June 22, 2015, and June 23, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

In evaluating an individual's eligibility, or continued eligibility for WFNJ/GA benefits, all countable income and resources, unless exempt, must be considered, including income from self-employment. See N.J.A.C. 10:90-3.1(a), -3.9(a), -3.10(a), -3.19

and -3.20. Additionally, pursuant to N.J.A.C. 10:90-3.9(d)(4), “[p]ersons who are self-employed shall be required to submit evidence of business receipts and expenditures as the basis for a sound estimate of earned income. . . .”

An applicant, as a condition of eligibility for WFNJ/GA benefits, shall, among other things, provide all necessary documentation, including contact information. See N.J.A.C. 10:90-2.2(a)(5).

Only WFNJ cash assistance recipients and Supplemental Security Income (“SSI”) recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2.

If a recipient fails to comply with his/her SP, without good cause, then the recipient's EA benefits must be terminated for a period of six months. See N.J.A.C. 10:90-6.6(a).

Here, the record indicates that when Petitioner applied for, and was granted, WFNJ/GA benefits in October 2014, he claimed that he had no income or resources. See Initial Decision at 2. Subsequently, an Agency investigation revealed that Petitioner was self-employed, the Agency contacted Petitioner regarding his self-employment, and Petitioner signed a statement in December 2014, admitting that he had earned income of \$80,000 in 2014, from that self-employment. *Ibid.* Immediately thereafter, the Agency requested documentation of Petitioner's receipts and expenditures, necessary for determining his earned income and continued WFNJ/GA eligibility. *Ibid.*; see also N.J.A.C. 10:90-3.9(d)(4). However, no documentation was forthcoming, and no documents were presented at the hearing. See Initial Decision at 2-3. Based on Petitioner's failure to provide documentation regarding his earned income, the ALJ found, and I concur, that the Agency properly terminated his WFNJ/GA benefits. See *id.* at 4. Additionally, the ALJ found, and I concur, that since Petitioner's WFNJ/GA benefits were terminated, he was no longer eligible for EA benefits. See *id.* at 6; see also N.J.A.C. 10:90-6.2.

Further, based upon the record, Petitioner failed to fulfill the requirements of his EA service plan. See Initial Decision at 2. Accordingly, the ALJ found that the Agency properly terminated Petitioner's EA benefits. *Ibid.* Additionally, because Petitioner violated his SP, I find that he is ineligible for EA benefits for a period of six months, effective March 21, 2015. See N.J.A.C. 10:90-6.6(a); see also Exhibit R-2 at 2.

By way of comment, I find Petitioner's Exceptions to be without merit. I initially note that Petitioner raises facts in his Exceptions which were not presented to the ALJ at the May 1, 2014, plenary hearing, which is not permitted. See N.J.A.C. 1:1-18.4(c) (“Evidence not presented at the hearing shall not be submitted as part of an exception, nor shall it be incorporated or referred to within exceptions.”). Be that as it may, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is ADOPTED and the Agency's actions are AFFIRMED.

*Signed Copy on File*  
at DFD, BARA

**JUN 26 2015**

---

Natasha Johnson  
Director