



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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CHRIS CHRISTIE
Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES

MEGHAN DAVEY
Director

A.S.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
HUDSON COUNTY BOARD
OF SOCIAL SERVICES,
RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 09735-16

As Director of the Division of Medical Assistance and Health Services, I

have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the entire contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to render a Final Agency Decision is October 13, 2016, in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of the agency's receipt. The Initial Decision was received on August 29, 2016.

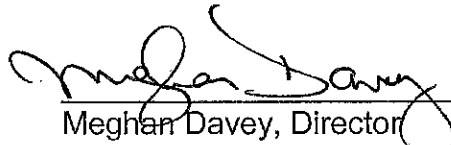
Based upon my review of the record, I hereby ADOPT the Initial Decision in its entirety. The Hudson County Board of Social Services denied A.S.'s Medicaid application because he does not meet the citizenship criteria. However, N.J.A.C. 10:71-3.3(c)3 and 4 provide exceptions for certain aliens who have been "present in the United States prior to August 22, 1996, and otherwise meet the eligibility criteria, are entitled to full Medicaid benefits, including . . . an asylee admitted pursuant to section 208 of the Immigration and Nationality Act and an alien whose deportation has been withheld pursuant to section 243(h) of the Immigration and Nationality Act".

The ALJ reversed the County's denial, finding that the October 3, 2002 Order of the Immigration Court specifically stated that A.S.'s removal has been withheld and that he was granted asylum based on the Judge's finding that he was tortured in his native Egypt due to his religious beliefs. As a result, I agree with the ALJ that Petitioner is currently eligible for Medicaid benefits.

THEREFORE, it is on this *27th* day of September 2016,

ORDERED:

That the Initial Decision reversing the denial of Petitioners' Medicaid application is hereby ADOPTED as the Final Decision in this matter.



Meghan Davey, Director
Division of Medical Assistance
and Health Services