



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

MEGHAN DAVEY
Director

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

J.M.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

BURLINGTON COUNTY BOARD

OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 17572-15

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 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 May 5, 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 March 21, 2016.


Based upon my review of the record, I hereby REVERSE the Initial Decision and RETURN the case to Burlington County. The Affordable Care Act regulations establish a new method for counting income based upon an applicant's modified adjusted gross income (MAGI). The countable income for MAGI is gross income according to the Internal Revenue Service Code. See 42 CFR 435.603. Additionally, 42 CFR 435.603(h)(3) permits the agency to adopt "a reasonable method . . . to account for a reasonably predictable increase or decrease in future income . . . as evidenced by a clear history of predictable fluctuations in income, or other clear indicia of such future changes in income."

Petitioner is employed as a substitute teacher from September through June. The County's determination that Petitioner does not qualify for Medicaid was based upon the County's calculation that only took into account his household's employment earnings for the month of June. However, the County's determination fails to take into account that Petitioner's monthly income is considerably lower during the months that he is not working. Petitioner's employment as a substitute teacher provides the County with a "clear history of predictable fluctuations in income." 42 CFR 435.603(h)(3). Thus, I agree with the Petitioner that the County should have averaged his income over a 12-month period.

THEREFORE, it is on this 2nd day of MAY 2016,

ORDERED:

That the Initial Decision reversing the denial of benefits is hereby REVERSED as the Final Decision in this matter and RETURNED to Burlington County to recalculate Petitioners' earnings by averaging their income over the entire year.



Meghan Davey, Director
Division of Medical Assistance
and Health Services