



State of New Jersey

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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ELIZABETH CONNOLLY  
Acting Commissioner

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

MEGHAN DAVEY  
Director

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

K.K.,

PETITIONERS,

v.

DIVISION OF MEDICAL ASSISTANCE  
AND HEALTH SERVICES AND  
SOMERSET COUNTY BOARD  
OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 14685-15

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 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 August 11, 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 June 27, 2016. Based upon my review of the record, I hereby ADOPT the Initial Decision in its entirety and incorporate the same herein by reference.

In this case, Petitioner obtained his permanent legal resident card on July 15, 1991. However, Petitioner relinquished this status on March 15, 2007. He returned to the United States and was issued a new permanent resident card on July 15, 2014.

As noted in the Initial Decision, 8 USC §1101(a)(13)(C) provides that: "[a]n alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking admission into the United States for purposes of the immigration laws unless the alien

- (i) has abandoned or relinquished that status,
- (ii) has been absent from the United States for a continuous period in excess of 180 days."

It is clear from the record that Petitioner abandoned or relinquished his permanent resident status in March 2007 and was absent from the United States for more than 180 days.

Pursuant to 8 U.S.C. §1612 and §1613 and N.J.A.C. 10:69-3.3(d)1, a legal alien who entered the country after August 22, 1996 is not eligible to receive Medicaid benefits for a period of five years. As Petitioner received his permanent residence card on July 15, 2014, he is ineligible for Medicaid benefits until July 15, 2019.

I suggest that Petitioner apply for coverage through the Health Insurance Marketplace at HealthCare.gov.

THEREFORE, it is on this 27<sup>th</sup> day of July 2016,

ORDERED:

That the Initial Decision affirming the denial of Medicaid eligibility is hereby ADOPTED as the Final Decision in this matter.



Meghan Davey, Director  
Division of Medical Assistance  
and Health Services