



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

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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

L.L.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

UNION COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 12389-2016

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. No exceptions were filed. Procedurally, the time period for the Agency Head to file a Final Decision is December 2, 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 receipt. The Initial Decision in this matter was received on October 18, 2016.

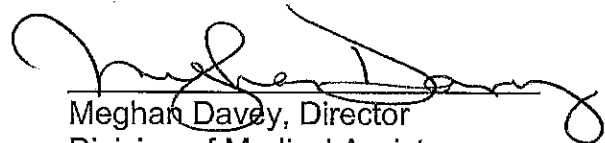
The matter arises regarding the termination of Petitioner's Medicaid benefits due to excess income. Petitioner resides with her husband and mother. Her husband receives monthly income in the amount of \$1,994. Petitioner contends that her mother, who receives income of \$532, is a tax dependent and that they should be considered a household of three but

The Initial Decision analyzed Petitioner's household composition with the applicable Modified Adjusted Gross Income (MAGI) rules regarding instances where a tax dependent does not file a tax return. As explained in Medicaid Communication No. 14-12, a tax filing unit is comprised of all the individuals a head of household expects to claim as a tax dependent in a given taxable year. Petitioner claims her mother in the taxes she files with her husband. However, her mother's income is below the tax filing threshold so that it is not included as countable income. By using a higher household size and not increasing the countable income, Petitioner is eligible for benefits. Thus, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this ^{30th} day of NOVEMBER 2016,

ORDERED:

That the Initial Decision is hereby ADOPTED in its entirety.



Meghan Davey, Director
Division of Medical Assistance
and Health Services