



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

N.K.,

PETITIONER,

v.

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

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 02817-16

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 in evidence. Neither Party filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is September 9, 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 July 26, 2016.


Based upon my review of the record, I hereby ADOPT the Initial Decision in its entirety and incorporate the same herein by reference. This matter concerns the calculation of Petitioner's income as set forth in the amount to be paid over to the nursing facility. In July 1996, a judgment was entered against Petitioner for failure to pay alimony and other obligations arising from a Property Settlement Agreement. As a result, \$983.50 was garnished from Petitioner's Social Security benefit check.

Based on my review of the Initial Decision, the case file and the exceptions, I concur with the ALJ's determination that the full Social Security benefit, including the amount identified as alimony, is considered available income under Medicaid law. In the Initial Decision the ALJ set forth the clear legal and regulatory precedents that have been upheld in numerous decisions. Estate of G.E. v. DMAHS, 271 N.J. Super. 229. (App. Div. 1994).

THEREFORE, it is on this *7th* day of SEPTEMBER 2016

ORDERED:

That the Initial Decision is hereby ADOPTED.



Meghan Davey, Director
Division of Medical Assistance
and Health Services