



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

S.Y.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE :	:	OAL DKT. NO. HMA 5261-2016
AND HEALTH SERVICES AND	:	
ESSEX COUNTY BOARD OF	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

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 in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is June 24, 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 May 10, 2016.

The matter arises regarding the denial of Petitioner's Medicaid application due to excess resources. Petitioner applied for Medicaid benefits to cover her care in a nursing facility. In April 2015, her bank account balance was \$10,616.64. On April 30, 2015 she wrote a check for \$10,550 for nursing home care for March and April 2015. However, on May 2, 2015 she received \$10,000 from an accident settlement. Essex County determined that she was eligible as of December 1, 2015 when her bank account was reduced below \$2,000.

The Initial Decision determined that Petitioner was resource eligible for May 1, 2015. However, the Initial Decision held that Essex County was correct in denying eligibility from June to November 2015 as Petitioner's assets were above \$10,000 for each of those months.

Based on my review of the record, I concur with the Initial Decision with regard to Petitioner being over the resource limit from June through November 2015. However, I FIND that Petitioner is not eligible for May 2015 due to excess income. The lawsuit settlement is considered an award and counts towards the income limit for the month it was received. Under N.J.A.C. 10:71-5.4 (a) 8, unearned income includes funds received as a prize, gift, and award. This regulation follows 20 CFR §416.1121 (f) which defines award as "something you receive as the result of a decision by a court, board of arbitration, or the like." Petitioner's lawsuit settlement was received in May 2015 and increases her countable income to over \$10,000 for that month. Thus, I FIND that Petitioner's eligibility was correctly set at December 1, 2015.

THEREFORE, it is on this ^{16th} day of JUNE 2016,

ORDERED:

That the Initial Decision is hereby REVERSED with regard to Petitioner's eligibility for May 2015;

That the Initial Decision is hereby ADOPTED with regard to Petitioner being ineligible for benefits from June through November 2015; and

That Petitioner's Medicaid eligibility begins on December 1, 2015.


Meghan Davey, Director
Division of Medical Assistance
and Health Services