CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

ELIZABETH CONNOLLY
Acting Commissioner

MEGHAN DAVEY
Director

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

L.G.,

        PETITIONER,

        v.

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

        RESPONDENTS.

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ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 15815-16

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 in this matter is March 3, 2017 in accordance
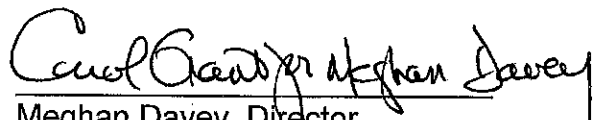
with an Order of Extension. The Initial Decision in this matter was received on December 2, 2017.

Based upon my review of the record, I hereby adopt the findings and conclusions of the Administrative Law Judge in their entirety and I incorporate the same herein by reference. I accept the ALJ's fact-findings, which are based, in part, upon his assessment of the witnesses who testified at the administrative hearing. The fact-finder's assessment of the credibility of witnesses is entitled to deference by the reviewing agency head. Clowes v. Terminix, 109 N.J. 575 (1988). I agree that L.G., Sr. continues to live in Petitioner's household and that his $55,411.20 annual income should be considered when determining Petitioner's eligibility. Consequently, Petitioner's countable monthly income of $5,189 exceeds the income limit for the NJ FamilyCare program.

THEREFORE, it is on this 17th day of FEBRUARY 2017,

ORDERED:

That the recommended decision affirming the denial of Medicaid eligibility is hereby ADOPTED.

Meghan Davey, Director
Division of Medical Assistance
and Health Services