



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
P.O. Box 712
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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

W.Z.,

PETITIONER,

v.

DMAHS AND BERGEN COUNTY
DIVISION OF SOCIAL SERVICES

RESPONDENTS.

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ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 11728-16

As Director of the Division of Medical Assistance and Health Services, I
have reviewed the record in this case, including the OAL case file and the Initial
Decision approving the Settlement Agreement reached by the parties.
Procedurally, the time period for the Agency Head to file a Final Decision is

February 23, 2017, in accordance with an Order of Extension. The Initial Decision was received on November 25, 2016.

This matter arises from the Bergen County Division of Social Services' (BCDSS) termination of Medicaid eligibility because Petitioner resources exceeded the resource limit of \$2,000. At the scheduled November 21, 2016 OAL hearing, the parties entered a settlement whereby Petitioner agreed to submit additional information to establish eligibility. The parties also agreed to extraneous terms regarding a potential overpayment or incorrectly paid benefits that were not included in the termination notice and were not properly before the court. The ALJ approved the Settlement Agreement because it was consistent with the law, fully disposed of all issues in controversy and was voluntarily entered into by both parties, in accordance with N.J.A.C. 1:1-19.1.

Based on my review of the record, I hereby REJECT the Settlement Agreement as the basis of the denial was due to Petitioner's excess resources. The Medicaid regulation governing resource eligibility, N.J.A.C. 10:71-4.5(c) states that participation in the Medicaid Only program will be denied if the resources of an individual exceed \$2000. Moreover, resource eligibility is determined as of the first moment of the first day of the month. 20 C.F.R. §416.1207(a) and N.J.A.C. 10:71-4.1(e). The Settlement Agreement does not resolve this issue as it relies on the subsequent submission of information. As there are outstanding issues regarding Petitioner's financial eligibility, this Agreement does not dispose of all issues in controversy.

Thus, I hereby REJECT the Settlement Agreement and REMAND the matter back to the Office of Administrative Law for further action.

THEREFORE, it is on this 13<sup>th</sup> day of FEBRUARY 2017,

ORDERED:

That the Settlement Agreement in this matter is hereby REJECTED; and

That this matter is REMANDED to OAL for further proceedings.

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Meghan Davey, Director  
Division of Medical Assistance  
and Health Services

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