



**State of New Jersey**

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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TRENTON, NJ 08625-0712

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

SARAH ADELMAN  
*Acting Commissioner*

JENNIFER LANGER JACOBS  
*Assistant Commissioner*

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

**D.M.,**

**PETITIONER,**

**v.**

**DIVISION OF MEDICAL ASSISTANCE :**

**AND HEALTH SERVICES AND :**

**ESSEX COUNTY BOARD OF :**

**SOCIAL SERVICES, :**

**RESPONDENTS. :**

**ADMINISTRATIVE ACTION**

**FINAL AGENCY DECISION**

**OAL DKT. NO. HMA 8940-2020**

As Assistant Commissioner 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. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is March 22, 2020 in accordance with an Order of Extension.

The matter arises regarding the denial of Petitioner's June 2020 Medicaid benefits due to excess income. Essex County determined that Petitioner's household income was based on his disability benefit payment totaling \$1,182 a month. R-1. After reducing this amount by \$20, Petitioner's countable income was \$1,162. See N.J.A.C.

10:71-5.3 (a) (18). In 2020, the income limit was \$1,064. See Medicaid Communication No.20-02. As such, benefits were denied.

The Initial Decision upheld the denial and found that Petitioner's income exceed the threshold for 2020. After reviewing the record, I agree that Petitioner's application was properly denied. The Initial Decision addresses Petitioner's arguments and finds them to be inconsequential when applied to the fact that Petitioner's income exceeds the standard. I agree that Essex County incorrectly cited to N.J.A.C. 10:71-4.1(a) as the basis for the denial. That provision deals with resource standard for Medicaid Only, which was not applicable. The correct citation is N.J.A.C. 10:72-4.1(a) which under New Jersey Care . . . Special Medicaid Programs uses the higher income standard of 100% of the federal poverty guidelines which was \$1,064 for 2020. In determining Petitioner's application, Essex County determined that Petitioner's income from Social Security precluded his receipt of Medicaid.

Petitioner's argument that Essex County was required to determine if he was under the resource standard is immaterial to the denial for income. The denial was applicable regardless of Petitioner's resource calculation. Unlike resources which can fluctuate from month to month based on spending, unearned income such as Petitioner's Social Security benefit rarely changes downward. Had Petitioner's income been under the standard, Essex County would have needed to assess his resources. However as Petitioner's 2020 benefit amount exceeded both the 2020 and, for that matter, the 2021 income standard, I FIND that Petitioner's application was correctly denied. See Medicaid Communication No. 21-02.

Thus, for the reasons set forth above and those contained in the Initial Decision, I hereby ADOPT the Initial Decision and uphold Essex County's denial of Petitioner's application for Medicaid due to excess income.

THEREFORE, it is on this 19<sup>th</sup> day of MARCH 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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Jennifer Langer Jacobs, Assistant Commissioner  
Division of Medical Assistance  
and Health Services