

(1995). I agree with the ALJ that there are no genuine issues of material fact that would require a hearing in this matter. Based on my review of the record, I hereby adopt the findings and conclusions of the Administrative Law Judge (ALJ).

On February 1, 2019, Petitioner, through his authorized representative C.G., filed a Medicaid application with the Camden County Board of Social Services (CCBSS) on which he disclosed that his monthly income from social security was \$2,206.80. On that same day, CCBSS issued its first request for verifications necessary to determine eligibility. On February 4, 2019, CCBSS learned that Petitioner's income from social security was actually \$2,337.50. On April 5, 2019, Petitioner appointed Donald B. Mark, Esq. as his designated representative. On July 15, 2019, CCBSS issued another request for verifications. On May 4, 2020, Petitioner's application was denied for excess income.

The undisputed evidence in the record indicates that Petitioner's social security benefits are \$2,337.50 per month. This amount exceeds the maximum income limit for an individual (\$2,313) under the Managed Long Term Services and Supports (MLTSS) program. There is no legal basis to grant eligibility when none exists. "Medicaid is an intensely regulated program." H.K. v. Div. of Med. Assistance & Health Servs., 184 N.J. 367, 380 (2005). DMAHS is obligated to administer New Jersey's Medicaid program in a fiscally responsible manner to ensure that the limited funds available are maximized for all program participants, Dougherty v. Dep't of Human Servs., Div. of Med. Assistance & Health Servs., 91 N.J. 1, 4-5 (1982); Estate of DeMartino v. Div. of Med. Assistance & Health Servs., 373 N.J. Super. 210, 217-19 (App. Div. 2004); cert. denied, 182 N.J. 425 (2005).

Petitioner's argument for the imposition of equitable considerations fails to recognize that the courts in New Jersey have rarely applied the doctrine of estoppel to governmental entities absent a finding of malice, Cipriano v. Department of Civil Serv., 151 N.J. Super. 86, 91 (App. Div. 1977), particularly when estoppel would "interfere with essential governmental functions." See also O'Malley v. Dep't of Energy, 109 N.J. 309, 316-18 (1987) and Vogt v. Borough of Belmar, 14 N.J. 195, 205 (1954). Where public benefits are concerned, courts have gone farther to recognize that "[e]ven detrimental reliance on misinformation obtained from a

seemingly authorized government agent will not excuse a failure to qualify for the benefits under the relevant statutes and regulations." Gressley v. Califano, 609 F.2d 1265, 1267 (7th Cir.1979). See also Office of Personnel Management v. Richmond, 496 U.S. 414, 110 S. Ct. 2465, 110 L.Ed. 2d 387 (1990) and Johnson v. Guhl, 357 F. 3d 403 (3rd Cir. 2004).

The ALJ correctly notes that W.M. v DMAHS (App. Div. 2018) Dkt. No. A-4164-16T2, is distinguishable from this case because the applicant there, unlike Petitioner, met the eligibility requirements at the time of application. Petitioner is asking the court to overlook the fact that he was not income eligible at the time of application. There is simply no authority that permits the relaxation or waiver of the income limits in any individual case. Petitioner may contact NJSave at 1-800-792-9745 or www.state.nj.us/humanservices/doas/services/njsave/ for information on help available to low-income seniors and individuals with disabilities for Medicare premiums, prescription costs, and other living expenses.

THEREFORE, it is on this 6th day of MAY 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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