



disability insurance benefits), that individual is considered automatically eligible for Medicaid benefits. If the Social Security Administration denies an application for disability benefits, DMAHS is bound by this determination for twelve months. See N.J.A.C. 10:71-3.11(c). In other words, this regulation renders binding on the Medicaid program a finding of disability made by the Social Security Administration at any time and a finding of no disability made by the Social Security Administration for twelve months. In this case, the Social Security Administration has not made a final determination because Petitioner has appealed the Social Security Administration's disability denial and is waiting for a decision on this issue. Because Petitioner has a pending disability appeal with the Social Security Administration I disagree with the ALJ that it would be appropriate for DMAHS' Medical Review Team to make an independent disability evaluation at this point.

In order to avoid inconsistent determinations between the State and federal agency and to afford deference to the federal agency, it is reasonable to wait until the Social Security Administration renders a decision on the appeal. Should the Social Security Administration uphold the disability denial on appeal, a new application may be submitted to the Medical Review Team twelve months from the Social Security Administration's decision.

Significantly, regardless of the appeal with the Social Security Administration, it appears that Petitioner qualifies for benefits under Medicaid Expansion, with a benefit package that is comparable to what he would receive if he qualified for benefits on the basis of a disability.

THEREFORE, it is on this 27 day of February 2015,

ORDERED:

That Gloucester County's decision to deny continued New Jersey Care program benefits Petitioner's benefits based on the Social Security Administration denial of disability is affirmed, and

IT IS FURTHER ORDERED:

That the County shall evaluate Petitioner's eligibility for benefits under Medicaid Expansion.



---

Valerie J. Harr, Director  
Division of Medical Assistance  
and Health Services