



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Lt. Governor

SARAH ADELMAN
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

E.L.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE :	:	OAL DKT. NO. HMA 07288-2021
AND HEALTH SERVICES AND :	:	
MORRIS COUNTY OFFICE OF :	:	
TEMPORARY ASSISTANCE :	:	
RESPONDENTS. :	:	

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is March 6, 2023, in accordance with an Order of Extension.

This matter arises from the August 11, 2021 denial of Petitioner's Medicaid application for being over the resource limit to qualify for benefits. Based upon my review of the record, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ).

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 \$2,000. 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). Additionally, any resource that is not specifically excluded by regulation "shall be considered a countable resource for the purpose of determining Medicaid Only eligibility." N.J.A.C. 10:71-4.2(a). Moreover, income is only considered "income" in the month it is received. N.J.A.C. 10:71-5.2(b)1. The unspent income in the following month counts towards resources. N.J.A.C. 10:71-4.1(c). See Supplemental Security Income (SSI) guidance, namely Program Operations Manual System (POMS), SI 00810.010 Relationship of Income to Resources (providing "In general, anything received in a month, from any source, is income to an individual, subject to the definition of income for SSI purposes in that is Income SI 00810.005. Anything the individual owned prior to the month under consideration is subject to the resource counting rules. An item [that an individual] receive[s] in the current month is income for the current month only. (See exceptions to this general rule in SI 00810.030.) If held by the individual until the following month, that item is subject to resource-counting rules. (See exception in SI 01110.100 - SI 01110.115.)"). See also 42 U.S.C.A. 1382a; 20 C.F.R. §§ 416.1111 and 416.1123.

The undisputed evidence in the record indicates that Petitioner, through her son, A.L., submitted an application for Medicaid benefits on or about March 12, 2021. R-1. The application indicated that Petitioner owned two bank accounts with Wells Fargo: a checking account and a money market account. Ibid. The application noted that the checking account had a current value of \$3,000 and the money market account had a current value of \$5,000. Through the Asset Verification System (AVS), which used Petitioner's Social Security number and other identifiers, Morris County was able to determine the total combined amount in Petitioner's bank accounts as of March 2021 was \$11,010.51. R-5. Moreover, bank statements provided in response to Morris County's verification requests showed that

Petitioner's checking account maintained a balance of \$6,267.98 as of March 11, 2021 and \$7,389.75 as of April 13, 2021. Ibid. Petitioner's money market account maintained a balance of \$5,109.06 as of March 11, 2021 and April 13, 2021. Ibid. Accordingly, the funds in both of these accounts alone exceeded the \$2,000 resource eligibility limit for Petitioner to qualify for benefits.

Thus, for the reasons set forth in the Initial Decision and set forth above, I hereby ADOPT the Initial Decision in this matter.

THEREFORE, it is on this 27th day of FEBRUARY 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Carol A Grant OBO

Jennifer Langer Jacobs

Digitally signed by Carol A Grant
OBO Jennifer Langer Jacobs
Date: 2023.02.27 15:17:10 -05'00'

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