



State of New Jersey
DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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Commissioner

VALERIE HARR
Director

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

A.M.,	:	
	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
	:	OAL DKT. NO. HMA 15404-14
	:	
DIVISION OF MEDICAL ASSISTANCE	:	(Remanded from OAL Dkt. No.
	:	HMA 08333-14)
AND HEALTH SERVICES AND	:	
	:	
ESSEX COUNTY BOARD	:	
	:	
OF SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence, the contents of the OAL case file and Respondent's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is March 2, 2015 pursuant to Order of Extension.

Based upon my review of the record, I hereby ADOPT the ALJ's recommended decision with clarification. This matter arises from the Essex County Board of Social Services' determination that Petitioner does not qualify for Medicaid eligibility as a Disabled Adult Child. It is undisputed that the Social Security Administration determined that Petitioner, who is now 62 years old, became disabled in 1969 at the age of 17. It is also undisputed that she receives her deceased father's Social Security benefits. See R-2 in evidence. However, in order to be eligible for Medicaid coverage as a Disabled Adult Child, Petitioner must have been receiving Supplemental Security Income (SSI) benefits based upon her own disability and lost that SSI as a result of receiving her father's Social Security benefits. See Medicaid Communication No. 13-03 (dated March 15, 2013). Although Petitioner's sister (and power of attorney) claims that A.M. began receiving SSI benefits in 1969 and lost them once she started receiving her father's Social Security benefits upon his death in 1993, there was insufficient evidence in this record to support that contention. See R-1 in evidence.¹

As a result, by Final Agency Decision dated November 10, 2014, I rejected the ALJ's decision finding Petitioner eligible for Medicaid benefits. However, I remanded the matter to the OAL in order to give Petitioner's sister, V.E., the opportunity to provide the necessary documentation showing that A.M. did in fact receive SSI benefits.

¹ Although the September 8, 2014 Initial Decision's List of Exhibits indicates that R-1 is a "Letter to agency from Social Security Administration", it is actually a letter dated June 12, 2104 to the agency from Petitioner's sister, V.E.

By Initial Decision dated December 1, 2014, the ALJ found that Petitioner did in fact receive SSI benefits prior to receiving the Social Security benefits from her deceased father. The ALJ reached this finding based on the June 12, 2014 letter (R-1 in evidence) and corroborating testimony of Petitioner's sister and caregiver regarding A.M.'s receipt of SSI benefits. The ALJ also relies on the above-referenced letter (R-2 in evidence) from the Social Security Administration which provides her current amount of social security benefits and indicates that she first became disabled in 1969. Additionally, Essex County has provided corroboration obtained through BDS (Business Document Server), a verification system containing archived data, showing that A.M. did in fact receive SSI benefits through 1994.

THEREFORE, it is on this 22nd day of January 2015,

ORDERED:

That the Initial Decision granting Medicaid eligibility is ADOPTED.



Valerie Harr, Director
Division of Medical Assistance
and Health Services