

evidence and the entire contents of the OAL case file. Procedurally, the time period for the Agency Head to file a Final Agency Decision is October 1, 2015, in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of receipt. The Initial Decision in this matter was received on August 17, 2015.

Petitioner's application for benefits was denied in March 2015 as the household's gross monthly income was calculated to be \$3,112.36. The Initial Decision upheld the denial and I concur.

The Affordable Care Act regulations establish a new method for counting income based upon an applicant's Modified Adjusted Gross Income (MAGI). The countable income for MAGI is gross income according to the Internal Revenue Service Code. See 42 CFR § 435.603. Since MAGI methodology is based on the Internal Revenue Code, household compositions are identified as either tax filing or non-tax filing, with corresponding regulations governing each. 42 CFR § 435.603(f).

It is clear that Petitioner's income at the time of the denial exceeded the monthly income standard. However, Petitioner claims that he is no longer employed as of May 2015. As Union County mentioned at the hearing, Petitioner can reapply at any time and his new income will be evaluated.

THEREFORE, it is on this ^{25th} day of SEPTEMBER 2015

ORDERED:

That the Initial Decision upholding the denial of benefits is ADOPTED.



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