



The record shows that Petitioner's husband has two sources of income from the pension company. One source is a monthly pension amount that pays for his lifetime. The other source is an annuity from which he has is making equal monthly withdrawals. These monthly withdrawals are at the discretion of Petitioner's husband as he has access to the entire amount at any point. Thus, I am satisfied that the balance of the annuity should be considered a resource.

The community spouse is allowed to keep what is called a "community spouse resource allowance" (CSRA). N.J.A.C. 10:71-4.8(a)(1); 42 U.S.C.A. § 1396r-5(f)(2). In general, the CSRA is one half of the couple's resources up to the CSRA limit (indexed annually. N.J.A.C. 10:71-4.8(a)(1); 42 U.S.C.A. § 1396r-5(c) and (f). There is also a minimum limit which a couple may retain. In 2017 the minimum limit was \$23,844. As such, the addition of annuity's value of \$10,265.30 to the couple's other resources of \$9,549.14 does not impact Petitioner's resource eligibility.

However, it is not clear from the record if the annuity withdrawals were included in the calculation of Petitioner's post-eligibility cost share. That calculation could impact Petitioner's cost share. As such, I hereby RETURN the matter to Ocean County to re-calculate and modify the post-eligibility formula if warranted.

THEREFORE, it is on this 28<sup>th</sup> day of MARCH 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED; and

That the matter is RETURNED to Ocean County for further action as stated above.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services