



**State of New Jersey**

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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TRENTON, NJ 08625-0712

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

CAROLE JOHNSON  
*Commissioner*

MEGHAN DAVEY  
*Director*

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

**R.C.,**

**PETITIONER,**

**v.**

**DIVISION OF MEDICAL ASSISTANCE**

**AND HEALTH SERVICES AND**

**ESSEX COUNTY BOARD OF**

**SOCIAL SERVICES,**

**RESPONDENTS.**

**ADMINISTRATIVE ACTION**

**FINAL AGENCY DECISION**

**OAL DKT. NO. HMA 08417-18**

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the OAL case file and the Initial Decision approving the Settlement Agreement reached by the parties. Procedurally, the time period for the Agency Head to file a Final Decision is October 4, 2018, 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 was received on August 20, 2018.

This matter arises from Respondent's denial of eligibility based on income being deposited into Petitioner's bank account. The parties entered into a settlement on the


record after Petitioner established that the source of the income was a reverse mortgage, which should have been excluded from the eligibility determination based upon N.J.A.C. 10:71-5.3(a)(6), which excludes loans that are payable from the income calculation. Respondent agreed that the income is excluded and found Petitioner eligible for Medicaid as of June 1, 2018. The ALJ approved the Settlement Agreement because it was consistent with the law, fully disposed of all issues in controversy and was voluntarily entered into by both parties in accordance with N.J.A.C. 1:11-19.1.

Based on my review of the record, I concur with the ALJ's findings and hereby ADOPT the Settlement Agreement.

THEREFORE, it is on this 27<sup>th</sup> day of SEPTEMBER 2018,

ORDERED:

That the Initial Decision affirming the Settlement Agreement in this matter is hereby ADOPTED.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services