



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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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**

V.Y.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

BERGEN COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 10478-2018

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Decision is November 5, 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 September 20, 2018.

The matter arises regarding the determination that Petitioner was not eligible for benefits due to excess income. Petitioner receives Social Security and a pension. She

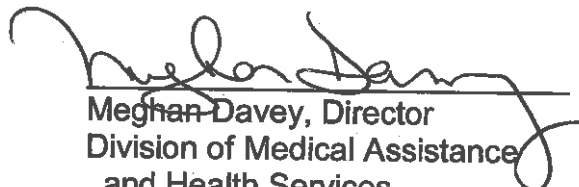
resides with her son and daughter-in-law. New Jersey follows the Supplemental Security Income (SSI) rules for determining eligibility. Those rules speak directly to the situation here and require that these disbursements be counted as income. 42 U.S.C. §§ 1382a(a); 1382a(a)(2)(A). The federal regulations define income as “anything you receive in cash or in kind that you can use to meet your needs for food and shelter.” 42 CFR § 416.1102. Bergen County calculated the in-kind support Petitioner receives by determining the fair share of the household expenses. N.J.A.C. 10:72-4.4(c). When combined with Petitioner’s other income, she is above the standard and was denied benefits.

The Initial Decision upholds the denial. Based upon my review of the record, I hereby ADOPT the Administrative Law Judge’s recommended decision concluding that the Petitioner was properly denied benefits.

THEREFORE, it is on this 15th day of NOVEMBER 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services