



# 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*

JENNIFER LANGER JACOBS  
*Assistant Commissioner*

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

L.S.,

PETITIONER,

v.

MORRIS COUNTY DHS/OFFICE OF

TEMPORARY ASSISTANCE,

RESPONDENT.

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**ADMINISTRATIVE ACTION**

**FINAL AGENCY DECISION**

**OAL DKT. NO. HMA 05283-2019**

As Assistant Commissioner 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 24, 2019 in accordance with the 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 9, 2019.

This matter arises from Respondent's termination of Petitioner's Medicaid benefits based on excess income. The parties entered into a settlement on the record whereby Respondent acknowledged that Petitioner's income did not exceed the eligibility limits as it was comprised of improved pension benefits with aid and attendance through the Department of Veterans Affairs resulting from unreimbursed medical expenses (UMEs).

Since income for UMEs is not countable as income for the purpose of determining eligibility, Respondent agreed that Petitioner's income did not exceed the eligibility limits and restored Petitioner's benefits.

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 10<sup>th</sup> day of OCTOBER 2019,

ORDERED:

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



Jennifer Langer Jacobs, Assistant Commissioner  
Division of Medical Assistance and Health Services