

State of New Jersey

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Governor

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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CAROLE JOHNSON

Commissioner

JENNIFER LANGER JACOBS

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

J.S.,

PETITIONER,

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

٧.

OAL DKT. NO. HMA 00844-20

HUDSON COUNTY BOARD

OF SOCIAL SERVICES,

RESPONDENTS.

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to render a Final Agency Decision is October 30, 2020 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 the agency's receipt. The Initial Decision was received on September 15, 2020.

I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge in their entirety and incorporate the same herein by reference.

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. Additionally, 42 CFR 435.603(h)(3) permits the agency to adopt " a reasonable

method . . . to account for a reasonably predictable increase or decrease in future income .

. . as evidenced by a clear history of predictable fluctuations in income, or other clear indicia

of such future changes in income."

In September 2019, Petitioner became unemployed and filed for unemployment

benefits. In December 2019, HCBSS denied Petitioner's Medicaid application. HCBSS'

determination that Petitioner does not qualify for Medicaid was based upon its calculation

that only took into account his household's employment earnings for one month. However,

HCBSS' determination failed to take into account all the information available to it at the time

of application, including notice that his unemployment benefits would expire after 26 weeks,

in order to project his income over the course of twelve months.

THEREFORE, it is on this 1st day of OCTOBER 2020,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Jennifer Langer Jacobs, Director Division of Medical Assistance

and Health Services