

This matter arises from the Union County Board of Social Services' (UCBSS) March 5, 2021 denial of Petitioner's Medicaid application because his resources exceeded the (\$2,000 limit pursuant to N.J.A.C. 10:71-4.5.). Petitioner applied in May 2020 and sought an institutionalization date of March 1, 2020. UCBSS determined that Petitioner was over resources by using an institutionalization date of May 1, 2020.

The matter at hand is a denial for exceeding the resource limit. Petitioner does not dispute that he is over the resources allowance as of May 1, 2020. Instead, he argues that the date of institutionalization, for purposes of calculating a Community Spouse Resource Allowance (CSRA), should be March 1, 2020. Presumably, this would allow Petitioner's spouse to retain more of the couple's resources and result in Petitioner having less to spend down. However, Petitioner does not argue or present evidence that he would be within the resource limits as of March 1, 2020.

When determining whether an institutionalized individual with a spouse is eligible for Medicaid benefits, applicants follow specific rules that assess the allowable resources and allowable income of the institutionalized and the community spouse. The amount of resources that the couple is permitted to retain is based on a "snapshot" of the couple's total combined resources as of the beginning of the continuous period of institutionalization. See Mistrick v. DMAHS and PCBOSS, 154 N.J. 158, 171 (1998); 42 U.S.C.A. § 1396r-5(c)(1)(A); N.J.A.C. 10:71-4.8(a)(1). The community spouse is permitted to keep the lesser of: one-half of the couple's total resources or the maximum amount set forth in N.J.A.C. 10:71-4.8(a)(1) (\$123,600 in 2018, indexed annually). This is called the CSRA. Resources above that amount must be spent down before qualifying for benefits.

I agree with the ALJ that the evidence in the record shows that Petitioner was admitted to a medical institution and received skilled nursing care beginning March 28, 2020 that continued without a break for at least thirty consecutive days. Therefore, I am RETURNING this matter to Union County to continue processing Petitioner's May 1, 2020 application with a "snapshot" date of March 1, 2020 for the purposes of determining the CSRA.

THEREFORE, it is on this ^{20th} day of JUNE 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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

This matter arises from Petitioner's December 28, 2020 renewal Medicaid application wherein the Petition disclosed her income, including payments from the Jewish Foundation for the Righteous (JFR) and the Claims Conference Holocaust Spouse Survivor Fund. These amounts were included on Petitioner's January 2021 Statement of Available Income for Medicaid Payment. Petitioner appealed the inclusion of this income in her available income calculation. The matter was originally heard on August 3, 2021 and an Initial Decision was issued on August 20, 2021. Upon review, the matter was remanded to the OAL for additional information and evidence.

Based upon my review of the record and the unique facts and circumstances of this case, I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge in their entirety and incorporate the same herein by reference. I agree with the Administrative Law Judge that Petitioner has established that she meets the definition of a victim of Nazi persecution and the pensions paid to Petitioner should not be considered available income in the cost-share calculation.

THEREFORE, it is on this 20th day of JUNE 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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