



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
PO BOX 712
TRENTON, NJ 08625-0712

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SARAH ADELMAN
Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

C.L.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
SUSSEX COUNTY DIVISION OF
SOCIAL SERVICES,
RESPONDENTS.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 03788-2022

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is September 27, 2022, in accordance with an Order of Extension.

The matter arises regarding the April 14, 2022 denial of Medicaid benefits for Petitioner due to excess income. The Sussex County Division of Social Services (SCDSS) determined that in addition to Petitioner's monthly Social Security benefit in the amount of

\$2,065, Petitioner was receiving monthly deposits, ranging from \$2,505.63 to more than \$11,000, into a joint bank account held with her daughter. The income limit to qualify for benefits at the time of Petitioner's application was \$2,523. See Medicaid Communication No. 22-02. As such, Petitioner's application for benefits was denied.

The Initial Decision upheld the denial, as Petitioner's income exceeded the income limit for her to qualify for Medicaid, pursuant to N.J.A.C. 10:71-5.6. I concur. Petitioner argues that her only income is her monthly Social Security benefit of \$2,065. However, more than \$99,000 was deposited into Petitioner's bank account in 2021 and continued on a consistent, monthly basis. ID at 5. Petitioner has failed to verify the sources of these monthly deposits and only testified that the funds are "used for all household to use for [the payment of] house bills." Ibid. As noted by the Administrative Law Judge (ALJ), Petitioner's monthly expenses of approximately \$2,574 exceed her monthly Social Security benefit. Ibid. There is nothing in the record to show that Petitioner lacks access to the deposited funds or that she does not utilize the deposited funds for herself or for her household's expenses.

Pursuant to N.J.A.C. 10:71-5.1(b), "[a]ll income, whether in cash or in-kind, shall be considered in the determination of eligibility, unless such income is specifically exempt under the provisions of N.J.A.C. 10:71-5.3." Petitioner has failed to show that the monthly deposits into her bank account qualify as excludable income, pursuant to N.J.A.C. 10:71-5, and has additionally, refused to either set up a Qualified Income Trust (QIT) for the excess funds or change how the joint bank account was set up or used. ID at 5. Accordingly, the unverified, monthly deposits, when added to Petitioner's monthly Social Security benefit, exceed the monthly income limit of \$2,523, and accordingly, SCDSS appropriately denied Petitioner's application.

THEREFORE, it is on this 23<sup>rd</sup> day of SEPTEMBER 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



---

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