



**State of New Jersey**

DEPARTMENT OF HUMAN SERVICES  
 DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES  
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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**

G.I.,

PETITIONER,

v.

MONMOUTH COUNTY

DIVISION OF SOCIAL SERVICES,

RESPONDENT.

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 : **ADMINISTRATIVE ACTION**  
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 : **FINAL AGENCY DECISION**  
 :  
 : **OAL DKT. NO. HMA 00214-2022**  
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As Assistant Commissioner for the Division of Medical Assistance and Health Services, 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 November 7, 2022 in accordance with an Order of Extension.

This matter arises from the Monmouth County Division of Social Services (MCDSS) granted Petitioner's October 14, 2021 application with eligibility as of November 1, 2021. MCDSS determined that Petitioner was over resourced from the month he applied for benefits, through October 2021. The MCDSS informed Petitioner to apply for Pre-Eligibility Medical Expenses (PEME) if earlier coverage was needed. ID, FN 1. Although petitioner did not exercise the PEME option, ID at 3, Petitioner requested a fair hearing asserting

entitlement to an earlier eligibility date. The matter was transmitted to the Office of Administrative Law (OAL) for hearing as a contested case.

Petitioner's application was submitted by a Designated Authorized Representative (DAR), who indicated on the application that Petitioner had two sources of monthly income: a teacher's retirement pension in the amount of \$1,423.67 (pension); and, \$1,093.20 Social Security Disability income. In order to establish eligibility, Petitioner's power of attorney created a qualified income trust (QIT) to receive the pension income so petitioner would not be over-resourced. The QIT was funded with an initial deposit into the Wells Fargo account on May 25, 2021. Due to the automatic deposit schedule of the Pension, from June 1, 2021, through October 29, 2021, the Wells Fargo account had a monthly balance in excess of the \$2,000 resource limit. ID at 3. Once Petitioner's pension was directly deposited into the QIT, petitioner's resources were spent down and eligibility became effective November 21, 2021.

The Initial Decision affirms the eligibility determination and concludes that Petitioner had access to and control over the pension benefits until they were properly funded into the QIT. ID at 5. Based upon my review of the record, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ).

Resource eligibility is determined as of the first moment of the first day of the month. 20 C. F. R. §416. 1207(a) and N.J.A. C. 10:71- 4. 1 (e). Additionally, any resource that is not specifically excluded by regulation "shall be considered a countable resource for the purpose of determining Medicaid Only eligibility." N.J.A. C. 10:71-4. 2(a). Finally, N. J.A. C. 10:71-4. 5(c) states that participation in the Medicaid Only program will be denied if the resources of an individual exceed \$2, 000.

The undisputed evidence in the record indicates that at the time his Medicaid application was filed with the MCDSS, and until the pension benefit was directly deposited into the QIT, Petitioner's monthly resources exceeded the \$2,000 resource limit.

As such, based upon my review of the record and for the reasons set forth herein, I hereby ADOPT the ALJ's recommended decision and FIND that the MCDSS correctly determined Petitioner's Medicaid eligibility date effective November 1, 2021.

THEREFORE, it is on this 1st day of NOVEMBER 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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