

belonging to petitioner. Prior to the OPG becoming Petitioner's Representative Payee, Petitioner accumulated excess resources in the JP Morgan account. The CCBSS sent the information it acquired to the OPG on ten (10) occasions, beginning in January 2021 and ending in February 2022, for verification and spend down. ID at 3. However, the OPG did not close the account until November 2021, when the OPG transferred the balance from the JP Morgan Chase account into a trust account. A check was issued from Trust to the long term care facility on January 20, 2022. As a result petitioner's resources were spent down and eligibility became effective February 1, 2022.

The Initial Decision affirms the eligibility determination and concludes that Petitioner had access to and control over the resources as of September 11, 2020 when the OPG became Petitioner's guardian. 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 CCBSS, and until the OPG transferred the balance of \$12,291.50, Petitioner had resources exceeding the \$2,000 resource limit. Petitioner, with the OPG as his legal guardian, had access, to and control over, the resources.

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 CCBSS correctly determined Petitioner's Medicaid eligibility date effective February 1, 2022.

THEREFORE, it is on this 18th day of OCTOBER 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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