

This matter arises from the Burlington County Board of Social Services' (BCBSS) February 4, 2021 notice denying Petitioner's December 2, 2020 application because his income exceeded the monthly limit for a household of one. Based on my review of the record, I hereby adopt the findings and conclusions of the Administrative Law Judge (ALJ).

Medicaid is a federally-created, state-implemented program designed, in broad terms, to ensure that qualified people who cannot afford necessary medical care are able to obtain it. See 42 U.S.C.A. § 1396, et seq., Title XIX of the Social Security Act ("Medicaid Statute"). The overarching purpose of the Medicaid program is to provide benefits to qualified persons "whose income and resources are insufficient to meet the cost of necessary medical services." 42 U.S.C.A. § 1396-1. It "is designed to provide medical assistance to persons whose income and resources are insufficient to meet the costs of necessary care and services." Atkins v. Rivera, 477 U.S. 154, 156 (1986). As a condition of eligibility, applicants must comply with the Medicaid income standards. N.J.A.C. 10:71-5.1(a). In order to be considered in the determination of eligibility, income must be available. Income shall be considered available to an individual when...with the exception of income from self-employment, the income becomes payable but is not received by the individual due to his/her preference for voluntary deferment. N.J.A.C. 10:71-5.1(b)1.

On December 2, 2020, Petitioner, through his authorized representative, filed a Medicaid application with the BCBSS. During the application process, BCBSS discovered Petitioner was entitled to \$2010 monthly Social Security income. This income was suspended in May 2014. Although Petitioner's representatives argue that the suspension was involuntary, and therefore the payments were not available to him, they did not provide any documentation regarding the circumstances of his suspension. As a result, there is no way to determine if the suspension was voluntary or involuntary. Regardless, these benefits were available to him as of the date of the application. In fact, BCBSS made Petitioner's representatives aware of this in its December 14, 2020 and January 4, 2021 notices but chose not to have the benefits reinstated. Instead, Petitioner's representatives notified

BCBSS that a QIT was unnecessary because Petitioner did not receive any Social Security benefits. (P-2).

BCBSS notified Petitioner that he was entitled to Social Security income and needed to establish a QIT so he would not exceed the maximum income limit for eligibility. Although it was within his control to have his Social Security benefits reinstated, he chose not to avail himself of the income available to him. As a result, BCBSS correctly included Petitioner's Social Security income as available income in its eligibility determination. When combined with his \$692 monthly pension payment, Petitioner's monthly income totaled \$2,702. This exceeded the \$2,139 maximum limit. There is simply no authority that permits the relaxation or waiver of the income limits in any individual case.

THEREFORE, it is on this 15th day of MARCH 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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