



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 09268-2024

C.E.

Petitioner,

v.

DMAHS

Respondent.

Medicaid Only

Excess Income Appeal

N.J.A.C. 10:71-5

STATEMENT OF THE CASE

Respondent denied petitioner's Medicaid Only application due to excess income under N.J.A.C. 10:71-5.6.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I.

- ☒ I **FIND** that petitioner or petitioner's representative is **AUTHORIZED** to pursue this appeal; therefore, I **CONCLUDE** that standing has been established.
- ☐ I **FIND** that petitioner or petitioner's representative is **NOT AUTHORIZED** to pursue this appeal; therefore, I **CONCLUDE** that standing has not been established.

II.

I **FIND** that petitioner's:

Earned income is \$ 7,684.64 (N.J.A.C. 10:71-5.2, -5.4);
Unearned income is \$ 0.00 (N.J.A.C. 10:71-5.2, -5.4);
Income exclusions total \$ 0.00 (N.J.A.C. 10:71-5.3);
Countable income totals \$ 7,684.64 (N.J.A.C. 10:71-5.4(b)); and
The applicable income eligibility standard is \$ 2,859.00 (N.J.A.C. 10:71-5.6).

III.

- ☒ I **CONCLUDE** that petitioner is over the applicable income limit and is therefore income **INELIGIBLE** for Medicaid Only benefits under N.J.A.C. 10:71-5.6.
- ☐ I **CONCLUDE** that petitioner is not over the applicable income limit and is therefore income **ELIGIBLE** for Medicaid Only benefits as of _____ (fill in date of eligibility) under N.J.A.C. 10:71-5.6.

ADDITIONAL FINDINGS OF FACT/CONCLUSIONS OF LAW

Petitioner testified that her household composition has changed
since this application was filed in July 2023. She has reapplied
several times and is awaiting decisions from the respondent
on the other applications.

Gross Income Calculations:

C.E. (petitioner) = $\$1,759.91 \times 2.167 = \$3,813.72$

A.A. (son) = $\$1,168.43 \times 2.167 = \$2,531.06$

A.M. (daughter) = $\$618.30 \times 2.167 = \$1,339.86$

ORDER

I **ORDER** that:

- ☐ Petitioner's appeal is **DISMISSED** because petitioner has no standing.
- ☒ Petitioner is income **INELIGIBLE** for Medicaid Only benefits under N.J.A.C. 10:71-5.6.
- ☐ Petitioner is income **ELIGIBLE** for Medicaid Only benefits as of _____ under N.J.A.C. 10:71-5.6.

I **FILE** this initial decision with the **ASSISTANT COMMISSIONER OF THE DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**. This recommended decision is deemed adopted as the final agency decision under 42 U.S.C. § 1396a(e)(14)(A) and N.J.S.A. 52:14B-10(f). The **ASSISTANT COMMISSIONER OF THE DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES** cannot reject or modify this decision.

If you disagree with this decision, you have the right to seek judicial review under New Jersey Court Rule 2:2-3 by the Appellate Division, Superior Court of New Jersey, Richard J. Hughes Complex, PO Box 006, Trenton, New Jersey 08625. A request for judicial review must be made within 45 days from the date you receive this decision. If you have any questions about an appeal to the Appellate Division, you may call (609) 815-2950.

09/26/2024

DATE

Rebecca C. Lafferty

Rebecca C. Lafferty

, ALJ

Date Record Closed:

09/05/2024

Date Filed with Agency:

09/26/2024

Date Sent to Parties:

APPENDIX

Witnesses

For Petitioner:

C.E.

For Respondent:

Judith Coles, Program Support Specialist

Exhibits

For Petitioner:

None

For Respondent:

R-1 Fair hearing packet (Exhibits A through I)
