



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. HMA 05519-24

AGENCY DKT. NO. N/A

C.W.

Petitioner,

v.

**MORRIS COUNTY DHS/
OFFICE OF TEMPORARY
ASSISTANCE,**

Respondent.

C.W., appearing pro se

Maira Rogers, Fair Hearing Liaison, appearing for respondent Morris County
DHS/Office of Temporary Assistance pursuant to N.J.A.C. 1:1-5.4(a)(3)

Record Closed: July 16, 2024

Decided: October 21, 2024

BEFORE **ANDREW M. BARON**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner appeals a determination terminating eligibility for Family Care Medicaid due to age and Age, Blind and Disabled Program due to excess income. program based on excess income.

DISCUSSION

Based upon the testimony, **I FIND the following facts:**

Petitioner, age sixty-six at the time of application, was informed that her Family Care Medicaid coverage would be terminated on February 29, 2024 due to her reaching the age of 65.

She then for continued coverage under the New Jersey Age Blind and Disabled program, and a request for additional information was sent out to her on February 15, 2024. Thereafter on February 27, 2024, the Division determined that petitioner was over the maximum allowable monthly income limit, with coverage scheduled to end on February 29, 2024.

Understandably, with petitioner on a fixed income, she represented that the termination of benefits will be a hardship for her to endure. During the course of the hearing it was explained to her that there is very little flexibility to expand or loosely interpret the regulations to award extended eligibility.

Essentially, petitioner, cooperated and submitted financial documents as required under the statutes and regulations in accordance with N.J.A.C. 10:71-4.1 et seq.

At the time of application, the maximum allowable income was \$1,215.00 for a household of one. Petitioner's Social Security Disability income is \$1,548.00. a month.

Other than standard income deductions of \$20.00 and \$65.00 a month respectively, Medicaid does not have an additional miscellaneous deduction for an overpayment that is being paid from Social Security Disability benefits.

I THEREFORE FIND for purposes of this application, that the Division correctly determined that at the time of re-certification, petitioner was not eligible under the income limits of the program.

Despite the determination here that she is not eligible for AB&D due to excess income petitioner is not precluded from looking into the possibility of continued coverage under either the Workability Program provided it does not interfere with her Disability, and/or the MLTSS Program depending on the level of assistance she requires.

Another proposed option suggested to petitioner in order to secure continued coverage was the Get Covered New Jersey program.

LEGAL ANALYSIS AND DISCUSSION

In this matter, the only dispute is whether the Division correctly determined that petitioner was not eligible to receive benefits at the time of application for the New Jersey family care Program due to excess income.

N.J.A.C. 10:71-5.1 establishes financial eligibility standards for applicants.

Under subsection (b), Income is defined as receipt, by the individual, of any property or service which he or she can apply, either directly or indirectly or by sale or conversion, to meet his or her basic needs of food and shelter. All household income, whether in cash or in kind, shall be considered in the determination of eligibility, unless such income is exempt under N.J.A.C. 10:71-5.3.

Earned income is defined as payment received by an individual for services performed as an employee. Unearned income is defined as any income which is not coincident with the provisions set forth above.

N.J.A.C. 10:71-5.1 et seq. differentiates between earned income as gross income, and net income as self-employment income.

On the basis of the facts set forth above, I **CONCLUDE** that the Division correctly determined that at the time of re-certification, petitioner was not eligible to receive benefits due to age and excess income.

ORDER

Based upon the foregoing, it is **ORDERED** that the decision of the agency to deny petitioner's application for benefits is hereby **AFFIRMED**.

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.

October 21, 2024

DATE


ANDREW M. BARON, ALJ

Date Record Closed:

October 21, 2024 1

Date Filed with Agency:

October 21, 2024

Date Sent to Parties:

October 21, 2024

lr

APPENDIX

LIST OF WITNESSES

For Petitioner:

C.W. pro se

For Respondent:

Maira Rogers

LIST OF EXHIBITS IN EVIDENCE

For Petitioner:

P-1 Handwritten note

For Respondent

R-1 Division package