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Lt. Governor

**State of New Jersey**  
**DEPARTMENT OF HUMAN SERVICES**  
Division of Medical Assistance and Health  
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SARAH ADELMAN  
Commissioner

GREGORY WOODS  
Assistant Commissioner

**STATE OF NEW JERSEY**  
**DEPARTMENT OF HUMAN SERVICES**  
**DIVISION OF MEDICAL ASSISTANCE**  
**AND HEALTH SERVICES**

D.S.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE  
AND HEALTH SERVICES AND  
ESSEX COUNTY BOARD  
OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 02226-24

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to render a Final Agency

Decision is November 25, 2024, in accordance with an Order of Extension.

This matter arises from the January 11, 2024 termination of eligibility for New Jersey Age, Blind and Disabled program due to excess income. ID at 2. The Essex County Board of Social Services (Essex County) determined that the Petitioner's monthly income of \$1,442.00 exceeded the monthly program limit of \$1,255.00, and accordingly Petitioner was ineligible for Medicaid. Ibid.

The Petitioner argued that their monthly net income is less than the maximum amount due to the fact that a prior unspecified overpayment is being paid back out of their gross monthly Social Security Disability benefits at \$199.00 a month. Ibid. However, in the Initial Decision, the Administrative Law Judge (ALJ) noted that at the time of hearing, it was unclear what the overpayment payback was for, and the Petitioner could not explain in more detail whether the monthly overpayment payback was for Medicare, Medicaid or SNAP. Ibid. There is also nothing in the record to support the petitioner's argument that their monthly net income is inflated due to past overpayments being paid back.

The Initial Decision upheld the termination, as Petitioner's income exceeded the income limit to qualify for the New Jersey Age, Blind and Disabled program, pursuant to N.J.A.C. 10:71-5.1. I concur. Countable income is determined by adding the applicant's nonexempt unearned income (less appropriate exclusions) to the applicant's earned income (less appropriate exclusions). N.J.A.C. 10:71-5.2(a). Any income not specifically excluded under the provisions of N.J.A.C. 10:71-5.3 shall be included in the determination of countable income. N.J.A.C. 10:71-5.4(a). There is nothing in the Initial Decision or the record to indicate that the payments in question should not be treated as countable income. As noted in the Initial Decision, although the Petitioner did not qualify for the

New Jersey Age, Blind and Disabled program due to excess income, they may choose to explore the possibility of continued coverage under the Workability Program, the MLTSS Program or the Get Covered New Jersey Program. ID at 3.

Thus, I hereby ADOPT the Initial Decision and uphold Essex County's termination of Petitioner's Medicaid benefits due to excess income.

THEREFORE, it is on this 22nd day of November 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED.

*Gregory Woods*

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Gregory Woods, Assistant Commissioner  
Division of Medical Assistance and Health  
Services