



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. HMA 09685-2024

G.P.  
\_\_\_\_\_  
\_\_\_\_\_

Petitioner,

v.

MIDDLESEX COUNTY

BOARD OF SOCIAL SERVICES

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.

## 11.

**I FIND** that petitioner's:

Earned income is \$ 77.95  
Unearned income is \$ 1,691

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(N.J.A.C. 10:71-5.2, -5.4);

Unearned income is \$1,691 (N.J.A.C. 10:71-5.2, -5.4);  
Income exclusions total \$20 (N.J.A.C. 10:71-5.2, -5.4);

Income exclusions total \$20  
Countable income total \$1,748.05

Countable income totals \$1,748.95 (N.J.A.C. 10:71-5.3);  
The applicable income eligibility limit is \$1,704 (N.J.A.C. 10:71-5.4(b)); and

The applicable income eligibility standard is \$ 1,704 (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**

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

**ORDER**

I **ORDER** that:

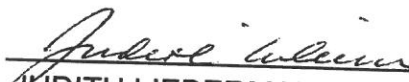
- ☐ Petitioner's appeal is **DISMISSED** because petitioner has no standing.
- ☒ Petitioner is income **INELIGIBLE** for Medicaid Only benefits under N.J.A.C. 10:71-5.6.
- ☐ Petitioner is income **ELIGIBLE** for Medicaid Only benefits as of \_\_\_\_\_ under N.J.A.C. 10:71-5.6.

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.

10/09/2024

DATE

  
JUDITH LIEBERMAN, ALJ

Date Record Closed:

09/18/2024

Date Filed with Agency:

07/18/2024

Date Sent to Parties:

10/09/2024

**APPENDIX**

**Witnesses**

**For Petitioner:**

None

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**For Respondent:**

Carrie Flanzbaum, Human Service Specialist 3

Betsy Abreu, Human Service Specialist 3

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**Exhibits**

**For Petitioner:**

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**For Respondent:**

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