



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 06454-24

K.N.

Petitioner,

v.

MIDDLESEX COUNTY BOARD
OF SOCIAL SERVICES

Respondent.

Medicaid Only
Excess Resources Appeal
N.J.A.C. 10:71-4

STATEMENT OF THE CASE

Respondent denied petitioner's Medicaid Only application due to excess resources under N.J.A.C. 10:71-4.5.

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 **available and countable resources** total \$ 100,389.08 (N.J.A.C. 10:71-4.1, -4.2; see also N.J.A.C. 10:71-4.6 and -4.8 for married individuals). The applicable **resource eligibility standard** is \$ 114,264.38 (N.J.A.C. 10:71-4.5). Petitioner's **date of resource eligibility** is 06/01/2023 (N.J.A.C. 10:71-4.5) (fill in if resources under applicable standard).

III.

☐ I **CONCLUDE** that petitioner is over the applicable resource limit and is therefore resource **INELIGIBLE** for Medicaid Only benefits under N.J.A.C. 10:71-4.5.

☒ I **CONCLUDE** that petitioner is not over the applicable resource limit and is therefore resource **ELIGIBLE** for Medicaid Only benefits as of 06/01/2023 (fill in date of eligibility) under N.J.A.C. 10:71-4.5.

ADDITIONAL FINDINGS OF FACT/CONCLUSIONS OF LAW

The petitioner first applied for MLTSS on February 1, 2023. This application was denied for being over resource. Petitioner submitted a second application on August 30, 2023, and again it was denied for being over resource.

The main issue in this case is \$106,000 in cash that was in a safety deposit box.

The respondent claims this was never reported to them until March 21, 2024. The petitioner's son A.G. appeared and testified that the \$106,000 was in his parents' safety deposit box as of January 1, 2023. Petitioner's spouse has also submitted a certification (See Exhibit B to Petitioner's June 10, 2024, Brief.) I found A.G. to be credible. At the time A.G. found the cash, he spoke to his attorney who instructed him to report it as he was not sure what to do. On March 27, 2023, the \$106,000 was deposited into Chase bank account ending in 2401. I FIND that the petitioner and her spouse had a total available asset on January 1, 2023, of \$224,384.69. (See Exhibits B,C,D,E to the Petitioner's November 11, 2024 Brief.)

Petitioner asserts that based on the community spouse resource assessment (CSRA) she is entitled to retain \$114,264.38 ($\$224,384.69 / 2 = 112,192.34 + \2000). I agree.

On June 1, 2023, the petitioner's total available assets was \$100,389.08. (See Exhibits F,G,H

OAL DKT. NO. HMA 06454-24

Additional Findings:

attached to Petitioner's November 11, 2024, Brief). Therefore, the resource level at which Medicaid eligibility can be established is \$114,264.38. At the time of the petitioner's June 2023 application, the available resource was \$100,389.08.

ORDER

I **ORDER** that:

- ☐ Petitioner's appeal is **DISMISSED** because petitioner has no standing.
- ☐ Petitioner is resource **INELIGIBLE** for Medicaid Only benefits under N.J.A.C. 10:71-4.5.
- ☒ Petitioner is resource **ELIGIBLE** for Medicaid Only benefits as of 06/01/2023 under N.J.A.C. 10:71-4.5.

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.

11/14/2024

DATE

Date Record Closed:

Date Filed with Agency:

Date Sent to Parties:



JOAN M. BURKE

, ALJ

11/12/2024

APPENDIX

Witnesses

For Petitioner:

A.G.

For Respondent:

Kurt Eichenlaub

Exhibits

For Petitioner:

Petitioner's June 10, 2024 Letter with Exhibits.

Petitioner's Letter Brief, August 22, 2024

Petitioner's Letter Brief, November 11, 2024

P-1 Petitioner's Application, August 30, 2023

P-2 Petitioner's Letter Response, September 5, 2024

For Respondent:

Respondent's Fair Hearing Packet, September 5, 2024