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Governor

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Lt. Governor

**State of New Jersey**  
**DEPARTMENT OF HUMAN SERVICES**  
Division of Medical Assistance and Health Services  
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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**

L.S.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE  
AND HEALTH SERVICES AND  
MIDDLESEX COUNTY BOARD  
OF SOCIAL SERVICES,  
RESPONDENTS.

ADMINISTRATIVE ACTION

ORDER OF RETURN

OAL DKT. NO. HMA 04943-24

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the records in this case, including the OAL case file, the documents in evidence, and the Initial Decision in this matter. Neither Party filed exceptions. Procedurally, the time period for the Agency Head to render a Final Agency Decision is November 29, 2024.

This matter arises from the Middlesex County Board of Social Services' (Middlesex County) February 6, 2024 determination that Petitioner was eligible for Medicaid benefits

as of February 1, 2024. The issue presented here is whether Middlesex County correctly determined Petitioner's Medicaid eligibility date.

In New Jersey, the Medicaid program is administered by DMAHS pursuant to the New Jersey Medical Assistance and Health Services Act, N.J.S.A. 30:4D-1 to -19.5. Through its regulations, DMAHS establishes "policy and procedures for the application process" N.J.A.C.10:71-2.2 9b. To be financially eligible, the applicant must meet both income and resource standards. Income eligibility is based on an examination of all earned and unearned income which has or will be received during the month for which application is made, beginning with the first day of such month. The local county welfare agencies (CWA) evaluate Medicaid eligibility. N.J.S.A. 30:4D-7a; N.J.A.C.10:71-1.5, 2.2 (c).

Under N.J.A.C. 10:71-4.5 (c), an individual's maximum resource limit is \$2,000. If the total value of an individual's resource exceeds \$2,000, participation in the program shall be denied.

Under N.J.A.C. 10:71-4.1 (i), when checks have been drawn on an account, the CWA shall review the appropriate account registers or check stubs to ascertain the actual balance as of the first moment of the first day of the month.

Petitioner applied to the New Jersey Family Care, Aged, Blind, Disabled Programs on August 15, 2023. (Exhibit A.) On February 6, 2024, Middlesex County approved Petitioner's application effective February 1, 2024. (Exhibit B.) Middlesex County determined that the balance of Petitioner's account was \$2,562.64 placing them above the resource limit on August 1, 2023. Ibid.

On July 30, 2023, Petitioner drew check No. 1502 for \$890 on their Bank of America account before applying for Medicaid. (Exhibit C.) Petitioner's daughter, C.B.,

placed the check into the rent mail slot at the office building of Petitioner's residence. Ibid.  
The check cleared the account on August 3, 2023. Ibid.

Petitioner filed a timely appeal contesting the date of approval. ID at 2. The Administrative Law Judge (ALJ) reversed Middlesex County's determination. ID at 4. The ALJ found that Petitioner's account showed that Petitioner was over the resource limit of \$2,000 on August 1, 2023, based on an initial look at the August 2023 bank statements. ID at 4. However, Petitioner's daughter drew check No. 1502 on July 30, 2023, and once the check was cleared, Petitioner was under the resource limit. Ibid. The ALJ ordered Middlesex County to evaluate Petitioner's retroactive eligibility during the applicable look-back period, pursuant to N.J.A.C. 10:71-2.16. I agree.

Thus, I hereby ADOPT the Initial Decision since Petitioner was under the resource limit pursuant to N.J.A.C. 10:71-4.5 (c) when they applied for Medicaid on August 15, 2023, and Return the matter to Middlesex County for reevaluation of Petitioner's eligibility day, including retroactive eligibility, and for the issuance of a new eligibility notice accordingly.

THEREFORE, it is on this 25th day of November 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED.

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