



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. HMA 06185-24

AGENCY DKT. NO. N/A

P.P.,

Petitioner,

v.

**MORRIS COUNTY DEPARTMENT
OF HUMAN SERVICES/OFFICE OF
TEMPORARY ASSISTANCE,**
Respondent.

P.P., petitioner, pro se

William Huysers, appearing for respondent Morris County Department of Human
Services/Office of Temporary Assistance pursuant to N.J.A.C. 1:1-5.4(a)(3)

Record Closed: August 13, 2024

Decided: November 12, 2024

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

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner appeals a determination denying eligibility for New Jersey Family Care based on excess income over the eligibility limit.

DISCUSSION

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

Petitioner, age seventy-one at the time of application, filed for coverage under the New Jersey Age Blind and Disabled program. A Request for Verification letter seeking additional documents and information was sent out on November 27, 2023. Thereafter on February 10, 2024, the Division determined that petitioner was over the maximum allowable monthly income limit.

Essentially, petitioner, with assistance from his son, JG, they 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 \$1,644.00 for a household. Petitioner's Social Security income was \$362.00 a month and there was additional unemployment income of \$503.93 a month. When combined with the spouse' monthly, it put them over the maximum allowable income limit, with a cumulative household income of \$1,967.26.

I THEREFORE FIND for purposes of this application, that the Division correctly determined that at the time of application, petitioner and her husband were not eligible under the income limits of the 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.

Here, it is clear that petitioner had a combined household income in excess of the maximum Federal poverty limit.

On the basis of the facts set forth above, I **CONCLUDE** that the Division correctly determined that at the time of application/renewal, petitioner was not eligible to receive benefits due to 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 Final Decision with the **ASSISTANT COMMISSIONER OF THE DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**. This 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.

November 12, 2024

DATE



ANDREW M. BARON, ALJ

Date Record Closed:

November 12, 2024

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Date Filed with Agency:

November 12, 2024

Date Sent to Parties:

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APPENDIX

LIST OF WITNESSES

For Petitioner:

J.G. for P.P.

For Respondent:

William Huysers

LIST OF EXHIBITS IN EVIDENCE

For Petitioner:

None

For Respondent

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