



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 02332-2024

R.J.

Petitioner,

v.

ESSEX 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 \$8537.87
(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 \$6000 (N.J.A.C. 10:71-4.5).
Petitioner's **date of resource eligibility** is 12/31/2023 (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 12/31/2023
(fill in date of eligibility) under N.J.A.C. 10:71-4.5.

ADDITIONAL FINDINGS OF FACT/CONCLUSIONS OF LAW

Petitioner's DAR, G.J., appeared on behalf of R.J.

G.J. stated that R.J. was not over resource because the money in the
account was Covid 19 funds and should not be included as a part of their
resources. SSA EM 20014-Rev.9 states that Covid 19 funds are excludable with the
appropriate documentation. There was no additional documentation provided.

The termination of insurance coverage was appropriate on December 31, 2023.

It should be noted that R.J. did spend down the funds to become resource eligible.

The CWA did reinstate the insurance coverage effective January 1, 2024.

R.J. did not have a gap in insurance coverage.

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 12/31/2023 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.

06/14/2024

DATE



PATRICE E. HOBBS

, ALJ

Date Record Closed:

06/14/2024

Date Filed with Agency:

06/14/2024

Date Sent to Parties:

06/14/2024

APPENDIX

Witnesses

For Petitioner:

G.J.

For Respondent:

D. McNeil, Case Worker, Essex County Board of Social Services

Exhibits

For Petitioner:

P-1 DAR form

P-2 Social Security EM 20014 Rev 9.

For Respondent:

R-1 Termination Letter and Eligibility Determination