



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 15530-24

AGENCY DKT. NO. N/A

C.R.,

Petitioner,

v.

**MONMOUTH COUNTY DIVISION OF
SOCIAL SERVICES,**

Respondent.

Ryann Siclari, Esq., on behalf of petitioner (Porzio, Bromberg and Newman,
attorneys)

Patrick J. Boyle, Esq. for respondent (Monmouth County Division of Social
Services)

Record Closed: February 3, 2025

Decided: February 20, 2025

BEFORE DEIRDRE HARTMAN-ZOHLMAN, ALJ:

STATEMENT OF THE CASE

Petitioner C.R. appeals the respondent's, Monmouth County Division of Social Services (MCDSS), decision to deny his January 26, 2024, application for Medicaid due to resources in excess of the resource limit.

PROCEDURAL HISTORY

On September 25, 2024, the respondent notified the petitioner that his January 26, 2024, Medicaid application was denied. Petitioner appealed, and the matter was transmitted to the Office of Administrative Law (OAL), where it was filed on November 4, 2024, for a hearing and determination as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. Petitioner filed a dispositive motion on December 21, 2024. A telephone conference was held on January 17, 2025. Respondent filed its response to the motion on February 3, 2025, and the record closed on that date.

UNDISPUTED STATEMENT OF FACTS

1. On July 1, 2023, through July 8, 2023, C.R. and his spouse, S.R., resided together in their primary residence, owned by them.¹ (P-1.)
2. On July 8, 2023, C.R. left the marital home and was hospitalized. (Id. at 4)
3. C.R. was subsequently institutionalized in a nursing facility on July 17, 2023, and passed away on September 14, 2024. (Id. at 4)
4. On July 8, 2023, S.R. left the marital home and moved into her daughter's home. (Id. at 5.)
5. On January 26, 2024, C.R. filed an application for Medicaid. (R-1.)

¹ The petitioner's exhibits were initially labeled alphabetically. Consistent with the OAL Practice Manual, the exhibits were relabeled numerically, with each document reassigned a corresponding number, but the pagination was not changed.

6. On July 18, 2024, the respondent sent C.R. a Request for Information (RFI), seeking various financial documents for his spouse, S.R., and himself. (R-2.)
7. On August 7, 2024, the respondent sent C.R. a second RFI, seeking additional financial documents for his spouse, S.R., and himself. (R-3.)
8. The snapshot date for the purpose of calculating the Community Spouse Resource Allowance (CSRA) is July 1, 2023. (R-4.)
9. On September 25, 2024, the respondent denied C.R.'s application for having resources in excess of the resource limit. (R-10.)
10. Petitioner's primary residence was excluded as a resource in calculating the CSRA. (P-10.)

LEGAL ANALYSIS AND CONCLUSIONS

The Medicaid program is a cooperative federal-state venture established as Title XIX of the Social Security Act. 42 U.S.C. § 1396, et. seq. It "is designed to provide medical assistance to persons whose income and resources are insufficient to meet the costs of necessary care and services." L.M. v. Div. of Medical Assistance & Health Servs., 140 N.J. 480, 484 (1995) (citations omitted).

Eligibility for Medicaid is governed by regulations adopted in accordance with the authority granted to the Division of Medical Assistance and Health Services and the Commissioner of the Department of Human Services. N.J.S.A. 30:4D-7. An applicant's income and resources are reviewed to determine eligibility for Medicaid benefits. N.J.A.C. 10:71-5.1; N.J.A.C.10:71-4.5.

The issue here is whether the marital property was appropriately excluded as a countable resource for the purpose of calculating the Community Spouse Resource Allowance (CSRA), which affects what the resource amount is for eligibility purposes.^{2,3}

In determining the resource eligibility of an individual in long-term care, the agency shall determine the couple's countable resources. N.J.A.C. 10:71-4.8(a). In doing so, the resource eligibility of the institutionalized spouse "is based on the couple's countable resources as of the first moment of the first day of the month of the current period of institutionalization beginning on or after September 30, 1989. . ." N.J.A.C. 10:71-4.8(a)(1). Thus, resources are determined based upon a "snapshot" in time. Regardless of when the application was filed, the snapshot for the CSRA is always the same. Mistrick v. DMAHS, 154 N.J. 158 (1998).

In A.K. v. Division of Medical Assistance and Health Services, the court reiterated the concept of a snapshot date for eligibility. 350 N.J. Super. 175 (App. Div. 2002). The snapshot date is a fixed point in time, which ensures a fair and consistent method for how much a community spouse may retain. This method also ensures that fluctuations in the value of the couple's assets do not change the projected share. Id.

In the instant matter, it is undisputed that the snapshot date is July 1, 2023. Both petitioner and his spouse were residing in the house at that time, making it an excludable resource under N.J.A.C. 10:71-4.8(a). The respondent argues that the marital property was not an excludable resource because neither spouse resided in the property in the month of the snapshot date. That proposition is not correct. It is an undisputed fact that on July 1, 2023, through July 8, 2023, C.R. and his spouse S.R. resided together in the residence. Although C.R. and his spouse both left the marital home on the same date, it does not change the snapshot date, which is controlling.

Here, the snapshot date was July 1, 2023. At that time, both C.R. and his spouse

² The parties do not dispute the calculation itself, only whether the marital home was properly excluded from the calculation.

³ Pursuant to N.J.A.C.10:71-4.4(b)(1), "A house occupied by the individual as his or her place of principal residence" is listed as one of excludable resources.

were residing in their primary residence. Therefore, I **CONCLUDE** that the primary residence was properly excluded as a countable resource for the purpose of calculating the CSRA.

ORDER

It is hereby **ORDERED** that the determination of MCDSS to deny the petitioner's application for Medicaid benefits is hereby **AFFIRMED**. Petitioner's appeal is **DENIED**.

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.

February 20, 2025

DATE



DEIRDRE HARTMAN-ZOHLMAN, ALJ

Date Received at Agency:

Date Mailed to Parties:

DHZ/sg/jm

APPENDIX

Exhibits

For petitioner:

- P-1 Statement of uncontested material facts
- P-2 Certification of M.G., dated August 19, 2024
- P-3 Medical letters
- P-4 Notice of Admission
- P-5 Email dated August 13, 2024
- P-6 Seller's listing agreement
- P-7 Closing disclosure form
- P-8 Notice of Medicaid application submission
- P-9 Certificate of death
- P-10 Letter from Surrogate's Court
- P-11 Medicaid denial letter and spousal resource assessment calculation sheet

For respondent:

- R-1 Medicaid application, dated January 26, 2024
- R-2 Request for information letter, dated July 18, 2024
- R-3 Request for information letter, dated August 7, 2024
- R-4 Applicable code excerpts
- R-5 Certification of M.G., dated August 19, 2024
- R-6 Utility bills, dated June 2023 through December 2023
- R-7 Spousal resource assessment calculation sheet
- R-8 Medicaid Communication No. 20-02
- R-9 Bank statements
- R-10 Medicaid denial letter