



*State of New Jersey*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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ELIZABETH CONNOLLY  
*Acting Commissioner*

KIM GUADAGNO  
*Lt. Governor*

MEGHAN DAVEY  
*Director*

**STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES  
DIVISION OF MEDICAL ASSISTANCE  
AND HEALTH SERVICES**

P.V.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MERCER COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

**ADMINISTRATIVE ACTION**

**FINAL AGENCY DECISION**

**OAL DKT. NO. HMA 11250-2017**

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. Procedurally, the time period for the Agency Head to file a Final Decision is November 2, 2017 in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of receipt. The Initial Decision was received on September 18, 2017.

The matter arises regarding the denial of Petitioner's application for Medicaid benefits. Petitioner did not contest that his average gross monthly income of \$3,648 a

month exceeds the standard for Medicaid under the Affordable Care Act. Instead, Petitioner asserted that his income fluctuates.

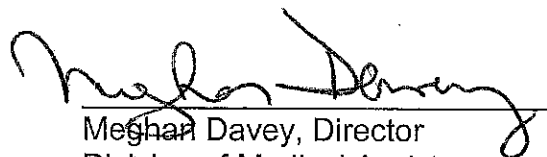
As indicated in the Initial Decision, eligibility for NJ FamilyCare is determined "based on gross income reported in the month immediately preceding application," pursuant to N.J.A.C. 10:78-4.3(b). The Initial Decision held that Petitioner's income was properly applied to the standard and that benefits were correctly denied by Mercer County.

Based on my review of the record, I concur with the Initial Decision. If Petitioner's income changes, he may reapply for benefits.

THEREFORE, it is on this <sup>25<sup>th</sup></sup> day of OCTOBER 2017,

ORDERED:

That the Initial Decision is hereby ADOPTED.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services