

## State of New Jersey

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
PO Box 712
TRENTON, NJ 08625-0712

CAROLE JOHNSON Commissioner

JENNIFER LANGER JACOBS

Director

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

J.M.,

PETITIONER,

**ADMINISTRATIVE ACTION** 

٧.

FINAL AGENCY DECISION

OAL DKT. NO. HMA 05125-19

MIDDLESEX COUNTY BOARD
OF SOCIAL SERVICES,

RESPONDENTS.

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to render a Final Agency Decision is September 12, 2019, in accordance with an Order of Extension. The Initial Decision was received on June 12, 2019.

I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge in their entirety and incorporate the same herein by reference. Summary disposition may be entered where there is no genuine issue as to any material fact and where the moving party is entitled to prevail as a matter of law. See Initial

Decision at page 2, citing N.J.A.C. 1:1-12.5 and Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 523 (1995). Based upon my review of the record, I agree with the Administrative Law Judge that there are no genuine issues of material fact that would require a hearing in this matter.

The Affordable Care Act regulations establish a new method for counting income based upon an applicant's modified adjusted gross income (MAGI). The countable income for MAGI is gross income according to the Internal Revenue Service Code. See 42 CFR 435.603. Additionally, 42 CFR 435.603(h)(3) permits the agency to adopt " a reasonable method . . . to account for a reasonably predictable increase or decrease in future income . . . as evidenced by a clear history of predictable fluctuations in income, or other clear indicia of such future changes in income."

In January 2019, Petitioner became unemployed and filed for unemployment In February 2019, Petitioner applied for Medicaid benefits. benefits. MCBSS's determination that Petitioner does not qualify for Medicaid was based upon the its calculation that only took into account his household's employment earnings for the month of February. However, MCBSS' determination failed to take into account all the information available to it at the time of application, including notice that his unemployment benefits would expire after 26 weeks, in order to project his income over the course of twelve months.

THEREFORE, it is on this  $\bigwedge^{i}$  day of AUGUST 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Jennifer Langer Jacobs, Director Division of Medical Assistance

and Health Services