



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 benefits. In February 2019, Petitioner applied for Medicaid 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 <sup>17<sup>th</sup></sup> day of AUGUST 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.

  
Jennifer Langer Jacobs, Director  
Division of Medical Assistance  
and Health Services