



Burlington County moved to terminate Petitioner's benefits. The notice Burlington County initially sent incorrectly stated her case was closed effective November 13, 2018 and cited the wrong federal regulation.

Based upon my review of the record, I hereby ADOPT the Initial Decision that Petitioner continues to be eligible for benefits. I agree with the Administrative Law Judge (ALJ) that Burlington County could have calculated Petitioner's income based on more recent pay stubs. However, I note that at the time of redetermination, the information provided by Petitioner indicated her hours had increased which would have rendered her ineligible. Petitioner claimed she worked on average 25 hours a week. The pay stub also showed an increase in hours. Nothing was presented at the time to show this information was an anomaly.

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." Petitioner's prior eligibility is not an indicator of continued eligibility. Medicaid requires that annual redeterminations are performed as well as recipients notifying the eligibility agency of any changes in circumstances. N.J.A.C. 10:78-8.3; N.J.A.C. 10:78-2.6; N.J.A.C. 10:78-6.1. See also 42 CFR § 435.916 (a) and (d).

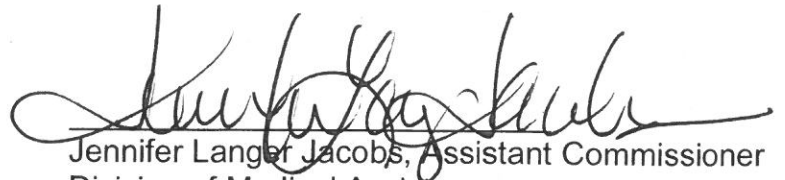
At the April 8, 2019 hearing, Petitioner supplied information that supported her claim that the paycheck was not representative of her earnings. The information included a paystub immediately following the one she had submitted and a copy of her W-2 earnings for 2018. I am satisfied that this information shows the paystub Petitioner originally

submitted does not reflect her income. The new information provides Burlington County with more accurate information in order to project her income over the course of twelve months and to find her eligible.

THEREFORE, it is on this <sup>21st</sup> day of AUGUST 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED as set for the above.



Jennifer Langer Jacobs, Assistant Commissioner  
Division of Medical Assistance  
and Health Services