



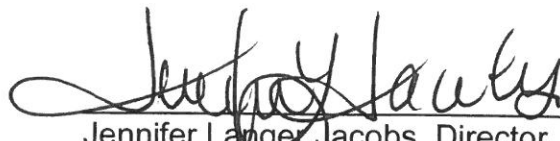
income by averaging her earnings for the entire year. The Affordable Care Act regulations establish a new method for counting income based upon an applicant's modified adjusted gross income (MAGI). The countable income for MAGI is gross income according to the Internal Revenue Service Code. See 42 CFR 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 is employed as a behavioral technician in a New Jersey school district, and her employment is limited to those times when school is in session. BCBSS' April 1, 2019 determination that Petitioner does not qualify for Medicaid was based upon a calculation that only took into account Petitioner's paystubs during the months she was employed. The calculation failed to take into account that Petitioner's monthly income is considerably lower during the months that she is not working. Petitioner supplied additional information in response to BCBSS' August 23, 2019 request for a letter from her employer substantiating her claims. BCBSS should consider the information available to it prior to the termination of benefits, including that information provided by Petitioner's employer, her 2018 W-2 and 2018 income tax return in order to project her income over the course of twelve months.

THEREFORE, it is on this 13<sup>th</sup> day of AUGUST 2019,

ORDERED:

That the Initial Decision reversing the termination of benefits is hereby ADOPTED. BCBSS shall recalculate Petitioners' earnings by averaging their income over the entire year.

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