

program. The undisputed evidence in the record indicates that Petitioner's monthly countable income of \$1,939 exceeds the program's \$1,041 limit for a household of one. There is simply no authority that permits the relaxation or waiver of the income limits in any individual case.

The ALJ correctly finds that Petitioner's income exceeds the limits for Medicaid eligibility. However, there is no basis for the ALJ to apply equitable estoppel to create eligibility where none exists and change the termination date from August 31, 2019 to September 30, 2019. Office of Personnel Management v. Richmond, 496 U.S. 414, 110 S. Ct. 2465, 110 L.Ed. 2d 387 (1990). The ALJ found that the denial notice was dated August 21, 2019 but was not mailed out until August 22, 2019 so that Sussex County did not give Petitioner at least 10 days notice pursuant to N.J.A.C. 10:72-5.1(a). While it may be true that the mailing fell one day short of the ten day notice, there is no dispute that Petitioner was not eligible for benefits during this period of time. Additionally, there is no harm to Petitioner as Medicaid benefits were continued pending the outcome of this fair hearing, well beyond the September 30, 2019 date chosen by the ALJ.

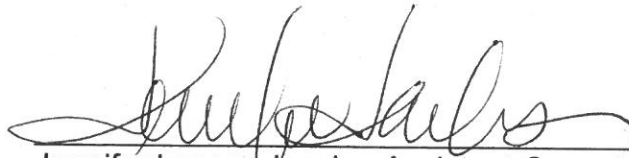
The ALJ also found that Petitioner was not provided with a face-to-face interview prior to termination pursuant to N.J.A.C. 10:72-2.5(a). The Affordable Care Act (ACA) enacted certain provisions to case processing that apply to both family-related NJ FamilyCare programs as well as NJ FamilyCare Aged, Blind, Disabled (ABD) programs. As a result of these changes, federal regulations do not require face-to-face interviews for individuals undergoing redetermination for eligibility. Med-Comm. 16-06.

THEREFORE, it is on this 14th day of DECEMBER 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED in that Petitioner is ineligible for Medicaid benefits as a result of her income exceeding limits for Medicaid eligibility; and

That the Initial Decision is hereby REVERSED with regard to the ALJ's September 30, 2019 date of termination and Sussex County's termination date of August 31, 2019 is affirmed.

A handwritten signature in black ink, appearing to read "Jennifer Langer Jacobs", written over a horizontal line.

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