

result, her gross income was determined to be \$3,708. The maximum income for a single adult is \$1,385. ID at 2.

The Affordable Care Act regulations establish a 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. Since MAGI methodology is based on the Internal Revenue Code, household compositions are identified as either tax filing or non-tax filing, with corresponding regulations governing each. 42 CFR § 435.603(f). Petitioner is considered a tax filer as her income exceeds the federal income tax filing threshold for single dependents was \$12,000. See 26 USC 6012(a)(1).

Medicaid eligibility is determined prospectively based on the information provided at the time of application or redetermination. The County Welfare Agencies (CWA) are required to estimate the income that will be available to the household unit. N.J.A.C. 10:78-4.2(a). The best estimate of income is "based on the average of the household unit's income for the full one-month period preceding the date of application or redetermination" and adjustments are made based on changes in income that have occurred or "which are reasonably anticipated to occur." N.J.A.C. 10:78-4.2(a). The MAGI method of income calculation, however, does not negate a state's responsibility to verify income or ensure that only eligible individuals receive benefits. 42 CFR §435.940.

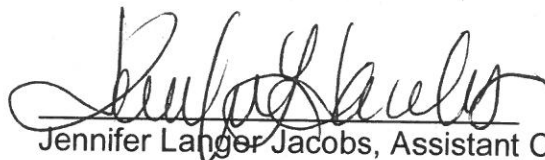
Petitioner's income at the time of redetermination exceeded the maximum allowed. Her claim that she makes more money due to the holidays does not comport with the date on the pay stub. The pay period, which began January 31 and ended February 13, is not aligned with what is normally considered a holiday. Additionally, her claim that her average biweekly income averages \$800 to \$1,000 would also render her ineligible. ID at 2.

Based upon my review of the record, I hereby ADOPT the Administrative Law Judge's recommended decision. Petitioner has reapplied as her income changed in June 2019. However, at the time of redetermination she was not eligible.

THEREFORE, it is on this 23rd day of OCTOBER 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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