

of care in the nursing facility. In May 2018, after her entry into a nursing home, Petitioner and her husband finalized their divorce. The terms of the settlement agreement included the awarding of \$600 month in alimony for Petitioner. However, that alimony was to be paid to the trustee of Petitioner's Special Needs Trust (SNT) which she executed on July 12, 2018. She applied for Medicaid benefits on July 20, 2018.

Petitioner was found eligible as of June 1, 2018 and was notified that she was required to contribute to her cost of care. N.J.A.C. 10:71-5.7. See also 42 CFR § 435.725. Her income includes \$1,455 from Social Security and \$600 alimony from the divorce. R-1. Petitioner argued that the \$600 was assigned to her SNT by a court order and cannot be counted towards her contribution to care. The Initial Decision agreed and I concur. Thus, for the reasons set forth below, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this ^{1st} day of JULY 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Carol Grant, Acting Director
Division of Medical Assistance
and Health Services