



2020 determination that Petitioner was eligible for Medicaid benefits effective November 1, 2019.<sup>1</sup>

Petitioner is seeking to have the eligibility standard disregarded due to the delay in processing her application. However, absent compliance with the standards set forth in the federal and state Medicaid law, eligibility cannot exist. Indeed, participation in the Medicaid program will be denied if the resources of an individual exceed \$2000 as of the first moment of the first day of the month. N.J.A.C. 10:71-4.1(e) and N.J.A.C. 10:71-4.5(c). Additionally, any resource that is not specifically excluded by regulation “shall be considered a countable resource for the purpose of determining Medicaid Only eligibility.” N.J.A.C. 10:71-4.2(a).

On April 29, 2019, Petitioner filed a Medicaid application with CCBSS. Section twelve of the application is entitled “Rights and Responsibilities.” It enumerates said rights and responsibilities for the applicant, including the one most applicable here which states, “I understand that an individual is only permitted to retain \$2,000 or \$4,000 in applicable program resources in order to be eligible.”

On October 4, 2019, CCBSS issued a request for verifications and notified Petitioner that as of April 1, 2019, her resources of \$8429.23 exceeded the eligibility limit of \$2,000. The undisputed evidence in the record shows that Petitioner’s resources exceeded the \$2,000 limit from April through October 2019. As a result, Petitioner was not eligible for Medicaid benefits until November 1, 2019, which is the first day of the first month in which countable resources fell below \$2,000. There is simply no provision in the regulations which would permit a relaxation of the eligibility date so long as the countable resources exceed the maximum limit.

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<sup>1</sup> To clarify, CCBSS’ notice was dated February 4, 2020, not March 4, 2020. Petitioner’s request for fair hearing was received on February 19, 2020 and transmitted to the Office of Administrative Law on February 28, 2020.

25th  
THEREFORE, it is on this day of JANUARY 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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Jennifer Langer Jacobs, Assitant Commissioner  
Division of Medical Assistance  
And Health Services.