



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

PO Box 712

TRENTON, NJ 08625-0712

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SARAH ADELMAN
Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES

D.G.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

BERGEN COUNTY DIVISION

OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 6370-2020

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is January 3, 2022 in accordance with an Order of Extension.

This matter arises regarding the recovery of \$2,032.14 based on benefits paid to Petitioner and her child for months between December 2017 and December 2018 due to

excess income. Petitioner had been determined eligible in 2015. She had reported part time employment with monthly gross income of \$1,763.53 which was below the standard. ID at 2. During redetermination in 2017, Bergen County requested information regarding her household. She failed to respond. However, Bergen County confirmed through the Department of Labor (Labor) that Petitioner's income was below the standard. 42 C.F.R § 435.916 requiring the use of databases to obtain information to complete a renewal. See also Medicaid Communications No 14-12 and No 09-20.

Petitioner was sent a redetermination notice in October 2018 which she failed to return. Bergen County again sought to administratively renew Petitioner and requested income information from Labor. At that point, it was discovered that Petitioner's income increased in October 2018 to \$2,840.45 and exceeded the standards. ID at 2. Petitioner's child remained eligible under the higher income standards for children but Petitioner's eligibility was terminated. R-1. This request for overpayment followed.

Pursuant to N.J.S.A. 30:4D-7.i, the Commissioner of Human Services is "to take all necessary action to recover the cost of benefits incorrectly provided to" a Medicaid recipient. Petitioner does not dispute that she was not eligible for benefits. Rather she argues she did receive the December 2017 redetermination and that she did not need to send the redetermination information back since she "knew she had received a promotion and medical benefits through her employer in October 2017." ID at 3. Petitioner also provided a redacted redetermination notice dated May 2017 for a redetermination to occur in July 2017 which states that "if the redetermination information is not received your case will be terminated" to demonstrate that she did not need to contact Bergen County in December 2017 as she knew she would not qualify. ID at 3. P-1 at Exhibit A There is no nexus between this document and Petitioner as the document is devoid of any identifiers. Moreover, Petitioner's

redetermination, which can only occur once a year, was due in December not May which indicates that this May 2017 document does not belong to Petitioner.¹

Rather the facts show that the Petitioner's higher income was not disclosed to Bergen County in October 2017 when she began being paid, nor was it reported at any time subsequent. It was not until the next redetermination that the higher income was discovered; not by disclosure from Petitioner but through the use of an administrative renewal. The Labor wage report showed that Petitioner's income had increased to well over the standard as of December 2017 and there was additional income from another employer in the second and third quarter of 2018.R-1.

Thus for the reasons set forth above and those contained in the Initial Decision, I hereby uphold the overpayment determination.

THEREFORE, it is on this 23rd day of DECEMBER 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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

¹ Petitioner also provided a redacted renewal application that does not appear to belong to Petitioner as she testified she did not provide Bergen County with updated income information. ID at 3.