



**State of New Jersey**

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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TRENTON, NJ 08625-0712

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

CAROLE JOHNSON  
*Commissioner*

JENNIFER LANGER JACOBS  
*Assistant Commissioner*

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

**H.S.,**

**PETITIONER,**

**v.**

**DIVISION OF MEDICAL ASSISTANCE :**

**AND HEALTH SERVICES AND :**

**ATLANTIC COUNTY BOARD OF :**

**SOCIAL SERVICES, :**

**RESPONDENTS. :**

**ADMINISTRATIVE ACTION**

**FINAL AGENCY DECISION**

**OAL DKT. NO. HMA 2910-2021**

As Assistant Commissioner of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. Neither party filed exceptions to the Initial Decision in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is August 26, 2021 in accordance with an Order of Extension.

The matter arises regarding the February 2021 denial of Medicaid benefits for Petitioner and her husband due to excess income. Atlantic County Department of Family and Community Development (Atlantic County) determined that Petitioner's countable income of \$2,788.21 exceeded the Medicaid standard of \$1,452 for a couple. Medicaid Communication 21-02. As such, benefits were denied.

The Initial Decision upheld the denial and found that the couple's income exceed the threshold for 2021. The couple receive both Social Security benefits and unemployment benefits. They sought to have their expenses used to reduce their income. However, Medicaid determines eligibility based on gross income. As New Jersey is a Supplemental Security Income (SSI) state, it applies the SSI rules which uses a gross income test. See N.J.A.C. 10:71-5.7(c) and 20 C.F.R. § 416.1123. Except for a \$20 exclusion, there are no deductions for expenses. N.J.A.C. 10:71-5.4(a)(18). I note that Petitioner has been advised to seek a screening for Long Term Services and Supports that may allow her to become eligible.

Thus, I hereby ADOPT the Initial Decision and uphold Atlantic County's denial of Petitioner's application for Medicaid due to excess income.

THEREFORE, it is on this <sup>20th</sup> day of AUGUST 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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