

recommended decision because it is in accordance with the Medicaid regulations governing resource eligibility. N.J.A.C. 10:71-4.5(c) states that participation in the Medicaid Only program will be denied if the resources of an individual exceed \$2000. Moreover, resource eligibility is determined as of the first moment of the first day of the month. 20 C.F.R. §416.1207(a) and N.J.A.C. 10:71-4.1(e).

On December 23, 2019, Petitioner, through her Power of Attorney T.F., filed a Medicaid application with the Essex County Division of Family Assistance and Benefits (Essex County). The application asks the applicant to disclose all of his or her resources and notifies the applicant that they may only retain \$2,000 or \$4,000 in resources, depending on the program.¹ Thereafter, on January 1, January 28, March 9, and July 2, 2020, Essex County requested verifications necessary to determine eligibility and notified Petitioner that her resources could not exceed \$2,000. The undisputed evidence in the record indicates that Petitioner had countable resources in excess of the \$2,000 limit through August 2020. As a result, Petitioner was ineligible for benefits before September 1, 2020.

The eligibility procedure is clearly set forth in the regulations and there is simply no provision which permits a relaxation of the eligibility date so long as the countable resources exceed the maximum limit.

THEREFORE, it is on this 5th day of OCTOBER 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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

¹ In signing the application, the application acknowledges that they understand this requirement. See page 15 of the Medicaid application. (R-1)