

Based upon my review of the record, I hereby ADOPT the Administrative Law Judge's 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). The undisputed evidence in the record indicates that Petitioner's countable resources at the time of application and denial exceeded the \$2000 limit. As a result, Petitioner was ineligible for benefits. Furthermore, Petitioner presented to evidence to support her request for a hardship waiver.¹

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

THEREFORE, it is on this 7th day of September 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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

¹ Although Petitioner's attorney argues that she had "significant cognitive deficiencies" and an "altered level of consciousness" which resulted in her inability to "understand her situation," the healthcare center that he represents provided this office with an August 15, 2019 Designated Authorizes Representative form bearing Petitioner's signature and appointing Mahattanview Healthcare Center employees to represent her at the fair hearing. See November 10, 2020 and July 22, 2021 letters to the Honorable Kimberly Moss, ALJ from Richard Kozel, Attorney at Law. See also the April 2, 2020 transmittal to the Office of Administrative Law.