

Atlantic County informed the Petitioner that her Medicaid application was denied because she was over the resource limit. On January 28, 2020, Petitioner requested a fair hearing with regard to the January 10, 2020 denial. On February 3, 2020, Petitioner's appeal was transmitted to the OAL. Petitioner's second Medicaid application was not appealed and is not currently before the court. Petitioner is seeking an eligibility date in connection with her September 3, 2019 application.

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. See N.J.A.C. 10:71-4.5. A "resource" is defined as "any real or personal property which is owned by the applicant . . . and which could be converted to cash to be used for his/her support and maintenance." See 20 C.F.R. § 416.1201(a) and N.J.A.C. 10:71-4.1(b). If the individual has the right, authority or power to liquidate the property, it is considered a resource. Ibid. A resource is "countable" for purposes of eligibility determinations if it is "available to the applicant/beneficiary or any person acting on his or her behalf." N.J.A.C. 10:71-4.1(c)(3) (emphasis added). The undisputed evidence in the record indicates that at all times relevant to the processing of Petitioner's first Medicaid application, her available resources exceeded that limit. As a result, Petitioner was ineligible for benefits.

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 25th day of OCTOBER 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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