

State of New Jersey

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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SARAH ADELMAN Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

S.P.,

PETITIONER.

V.

MONMOUTH COUNTY BOARD OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 01640-20

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the Office of Administrative Law (OAL) case file, the documents filed below. Both parties filed exceptions. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is May 14, 2021 in accordance with N.J.S.A. 52:14B-10, which requires an Agency Head to adopt, reject or modify the Initial Decision within 45 days of the agency's receipt. The Initial Decision was received on March 30, 2021.

This matter arises from the Monmouth County Board of Social Services' (MCBSS) January 19, 2020 denial of Petitioner's Medicaid application because her resources exceeded the \$2,000 limit pursuant to N.J.A.C. 10:71-4.5. On September 3, 2019, Petitioner, through her daughter, filed a Medicaid application with MCBSS. On January 10, 2020,

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