

The matter arises from remand of a prior matter regarding the June 1, 2020 denial of Petitioner's Medicaid application due excess income. Specifically, Sussex County found that Petitioner had failed to follow the terms of the Qualified Income Trust (QIT) with regard to post-eligibility distributions. The Order of Remand for HMA 06089-2020 made findings regarding Petitioner's eligibility for December 2019, January 2020 and February 2020 but remanded the matter for additional documents and/or testimony regarding November 2019, March 2020 and April 2020. Based on my review of the record, I ADOPT the finding that Petitioner was eligible as of April 1, 2020 but FIND that the issues remanded regarding Petitioner's eligibility for November 2019 and March 2020 were not addressed.

By way of background, the prior Order of Remand found that Petitioner received income from two sources; a private pension and Social Security. The QIT had been established in May 2018, however, Petitioner only applied in January 2020. The private pension was directly deposited into the QIT on the last business day of the month. The original record contained bank statements from the QIT account covering November 2019 through mid-April 2020. The pension check for November was deposited on November 29, 2019 and transferred to Petitioner's checking account on December 9, 2019. From December 2019 through February 2020 the bank statements show the pension check being deposited into the QIT account on the last business day of the month and remaining there. On March 24, 2020 \$3,192.36 or the accumulated pension checks from those three months was transferred to the same checking account.

As mentioned in the prior Order the unique timing of Petitioner's direct deposit on the last business day of the month, I found that "the deposit into another checking account

might have been sufficient to comply with the terms of the trust if the post-eligibility deductions were promptly paid.” Order of Remand at 3. However, the record on remand provides no additional documentation or findings whether the post-eligibility rules were followed for November and March pension payments after the pension income was moved. It appears that the parties emailed the statements of the transactions in the checking account identified by the last four account numbers of 0752 to each other which Sussex County analyzed and that the Initial Decision relied on. T-1. The analysis by Sussex County failed to address the specific remand on whether post-eligibility distributions were made and the statements from the account ending in 0752 are not part of the record. As such, I FIND that the Initial Decision does not fulfill remand to review whether the post-eligibility deductions were promptly paid for the November and March pension payments.

THEREFORE, it is on this ^{1st} day of SEPTEMBER 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED with regard to the eligibility findings for April 2020;

That the Initial Decision is hereby REVERSED with regard to the findings for November 2019 and March 2020; and

That the matter is hereby REMANDED to OAL for further findings and production of statements from the checking account ending in 0752.



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