

day of the month. See N.J.A.C. 10:71-4.5(b). 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.

At the time of application, Petitioner's resources included two automobiles (the lesser of which was valued at \$4,708), two life insurance policies totaling \$65,814.35, an account balance of \$1,191.39 and cash in the amount of \$750. Petitioner argues that he does not own the insurance policies, and that his children pay the premiums. There is no evidence in the record to support this claim, and even if there were, Petitioner's resources still exceed the maximum allowable amount for a couple under the NJCare Special Medicaid Program. Finally, because Petitioner does not meet resource eligibility, there is no need to explore his income eligibility for the Medicaid program.¹

The eligibility procedure is clearly set forth in the regulations and there is simply no provision that permits a relaxation of the eligibility date so long as the countable resources exceed the maximum limit. The undisputed evidence in the record indicates that at all times relevant to the processing of Petitioner's Medicaid application his available resources exceeded the \$6,000 limit. As a result, Petitioner was ineligible for benefits.

THEREFORE, it is on this 1ST day of APRIL 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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

¹ It appears from the record that Petitioner would exceed the \$1,452 income eligibility maximum as his income (monthly social security payments of \$1,243.50 and monthly pension of \$203) combined with the additional monthly unemployment payments of \$300 that appear in the joint bank account he shares with his wife total \$1,746.50.