



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 14210-25

Medicaid Only
Excess Income Appeal
N.J.A.C. 10:71-5

G.B. _____

Petitioner,

v.

BURLINGTON COUNTY

BOARD OF SOCIAL SERVICES

Respondent.

For petitioner: G.B., pro se _____

For respondent: Ellen Reside, Paralegal Services _____

BEFORE: Jeffrey N. Rabin _____, ALJ

STATEMENT OF THE CASE

Respondent denied petitioner's Medicaid Only application due to excess income under N.J.A.C. 10:71-5.6.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I.

- I **FIND** that petitioner or petitioner's representative is **AUTHORIZED** to pursue this appeal; therefore, I **CONCLUDE** that petitioner has **STANDING** to pursue this appeal.
- I **FIND** that petitioner or petitioner's representative is **NOT AUTHORIZED** to pursue this appeal; therefore, I **CONCLUDE** that petitioner has **NO STANDING** to pursue this appeal.

II.

I **FIND** that petitioner's:

- (1) Earned income is \$ 1,159 _____ (N.J.A.C. 10:71-5.2, -5.4)
- (2) Unearned income is \$ 334.33 _____ (N.J.A.C. 10:71-5.2, -5.4)
- (3) Income exclusions total \$ _____ (N.J.A.C. 10:71-5.3)
- (4) Countable income totals \$ 1,474.03 _____ (N.J.A.C. 10:71-5.4(b))
- (5) The applicable income eligibility standard is \$ 1,255 _____ (N.J.A.C. 10:71-5.6)

III.

- I **CONCLUDE** that petitioner is over the applicable income limit and is therefore income **INELIGIBLE** for Medicaid Only benefits under N.J.A.C. 10:71-5.6.
- I **CONCLUDE** that petitioner is not over the applicable income limit and is therefore income **ELIGIBLE** for Medicaid Only benefits as of _____ (*fill in date of eligibility*) under N.J.A.C. 10:71-5.6.

ADDITIONAL FINDINGS OF FACT/CONCLUSIONS OF LAW

SSI was \$1,159. In-kind support from living in the household of another was \$334.33., per Medicaid Communication 25-01. Less \$20 in disregards, the total countable income was \$1,474.03, which exceeded the income limit of \$1,255 as set forth in Medicaid Communication 24-02.

ORDER

I ORDER that:

- Petitioner's appeal is **DISMISSED** because petitioner has **NO STANDING**.
- Petitioner is income **INELIGIBLE** for Medicaid Only benefits under N.J.A.C. 10:71-5.6.
- Petitioner is income **ELIGIBLE** for Medicaid Only benefits as of _____ under N.J.A.C. 10:71-5.6.

I FILE this initial decision with the **ASSISTANT COMMISSIONER OF THE DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**. This recommended decision is deemed adopted as the final agency decision under 42 U.S.C. § 1396a(e)(14)(A) and N.J.S.A. 52:14B-10(f). The **ASSISTANT COMMISSIONER OF THE DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES** cannot reject or modify this decision.

If you disagree with this decision, you have the right to seek judicial review under New Jersey Court Rule 2:2-3 by the Appellate Division, Superior Court of New Jersey, Richard J. Hughes Complex, PO Box 006, Trenton, New Jersey 08625. A request for judicial review must be made within 45 days from the date you receive this decision. If you have any questions about an appeal to the Appellate Division, you may call (609) 815-2950.

November 24, 2025

DATE


Jeffrey N. Rabin

, ALJ

Date Record Closed:

11/24/2025

Date Filed with Agency:

Date Sent to Parties:

APPENDIX

Witnesses

For Petitioner:

G.B., pro se

For Respondent:

Ellen Reside, Paralegal Specialist

Exhibits

For Petitioner:

none

For Respondent:

Fair Hearing Packet exhibits A and B