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**State of New Jersey**  
**DEPARTMENT OF HUMAN SERVICES**  
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Assistant Commissioner

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

H.L.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

BERGEN COUNTY BOARD

OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 10140-24

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the OAL case file, the documents in evidence, and the Initial Decision in this matter. Petitioner filed exceptions. Procedurally, the time period for the Agency Head to render a Final Agency Decision is January 27, 2025.

This matter arises from the April 30, 2024, termination of Petitioner's Aged, Blind, Disabled (ABD) Medicaid benefits due to excess income. The Bergen County Board of

Social Services (Bergen County) determined that Petitioner's monthly income of \$2,241 exceeded the monthly program limit of \$1,704, and accordingly Petitioner was ineligible for Medicaid. The Initial Decision upheld the termination, as Petitioner's income exceeded the income limit to qualify for Medicaid, pursuant to N.J.A.C. 10:71-5.6. I concur.

In New Jersey, the Medicaid program is administered by DMAHS pursuant to the New Jersey Medical Assistance and Health Services Act, N.J.S.A. 30:4D-1 to -19.5. Through its regulations, DMAHS establishes "policy and procedures for the application process" N.J.A.C.10:71-2.2 9b. To be financially eligible, the applicant must meet income and resource standards. Income eligibility is based on an examination of all earned and unearned income that has or will be received during the month for which the application is made, beginning with the first day of such month. The local county welfare agencies (CWA) evaluate Medicaid eligibility. N.J.S.A. 30:4D-7a; N.J.A.C.10:71-1.5, 2.2 (c).

N.J.A.C. 10:72-4.1 dictates that income limits for Medicaid for aged, blind, and disabled persons (except for specified low-income Medicare beneficiaries), covered under the provisions of this chapter will be based on 100 percent of the poverty income guidelines as defined by the U.S. Department of Health and Human Services in accordance with sections 652 and 673(2) of the Omnibus Budget Reconciliation Act of 1981 (Pub.L. 97-35). The monthly income standard will be 1/12 of the annual poverty income guideline rounded down to the next whole dollar amount for household unit sizes of one and two for aged, blind, and disabled individuals. The annual revision to the Federal poverty income guideline will be effective for the purposes of this section with the first day of the year for which the poverty income guideline is promulgated.

On December 11, 2023, Bergen County sent a notice to Petitioner informing them that due to their Medicare eligibility, they no longer qualified for Medicaid via their existing

Modified Adjusted Gross Income (MAGI) eligibility category. Bergen County advised Petitioner to seek a screening for the NJFC Aged, Blind, Disabled (ABD) programs. (R-1.) Accordingly, on December 18, 2023, Petitioner applied for the ABD program. Ibid. Petitioner did not disclose their income in the application. Ibid. Bergen County verified income via their income verification system and the Social Security Online Query (SOLQ), and determined Petitioner received monthly Retirement, Survivors, and Disability Insurance (RSDI) payments in the amount of \$700, and Petitioner's spouse received monthly RSDI in the amount of \$1,661. As such, Petitioner's total household income, after applying a deduction of \$20, was \$2,341 per month<sup>1</sup>. In their exceptions, Petitioner claimed that their household income changed after submitting the Medicaid application, making them income eligible.

However, the undisputed evidence in the record indicates that Petitioner's monthly income, both at the time of application submission and during processing, exceeded the maximum income limit of \$1,704. There is no legal authority that permits the relaxation or waiver of income limits in any individual case.

Thus, I hereby ADOPT the Initial Decision and uphold Bergen County's termination of Petitioner's application for Medicaid due to excess income.

THEREFORE, it is on this 27th day of JANUARY 2025,

ORDERED:

That the Initial Decision is hereby ADOPTED.

  
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Gregory Woods, Assistant Commissioner  
Division of Medical Assistance and Health Services

<sup>1</sup> The Initial Decision inadvertently contained a typographical error stating a total household income of \$2,241.