



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. HMA 10340-24

AGENCY DKT. NO. N/A

M.W.,

Petitioner,

v.

**MORRIS COUNTY DEPARTMENT
OF HUMAN SERVICES/OFFICE OF
TEMPORARY ASSISTANCE,**

Respondent.

Robert C. Pierce, Esq., for **M.W.** petitioner.

Maira Rogers, appearing for respondent Morris County Department of Human Services/Office of Temporary Assistance pursuant to N.J.A.C. 1:1-5.4(a)(3)

Record Closed: October 17, 2024

Decided: February 3, 2025

BEFORE **ANDREW M. BARON, ALJ:**

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner appeals a determination denying eligibility for New Jersey Age, Blind and Disabled benefits based on excess income over the eligibility limit.

DISCUSSION

Based upon the testimony, **I FIND the following facts:**

Petitioner, age seventy at the time of application, filed for renewal of coverage under the New Jersey Age Blind and Disabled program. A Request for Verification letter seeking additional documents and information was sent out on March 9, 2024. Thereafter, on May 24, 2024, the Division determined that petitioner was over the maximum allowable monthly income limit.

Essentially, petitioner, with the assistance of her daughter and attorney M.W. cooperated and submitted financial documents as required under the statutes and regulations in accordance with N.J.A.C. 10:71-4.1 et seq.

At the time of application, the maximum allowable income was \$1,255.00 for a household. Petitioner's Social Security income was \$1,225.00 a month which is thirty dollars under the maximum allowable monthly income limit. However, petitioner's daughter was contributing additional month cash/maintenance in kind to help petitioner with expenses which brought her monthly household income to \$1,839.00 a month. Towards the conclusion of the hearing, Ms. Rodgers, the Fair Hearing Liaison, discussed alternate legal and legitimate ways for petitioner to apply for other programs that may have a higher income limit.

I THEREFORE FIND for purposes of this application, that the Division correctly determined that at the time of application, petitioner was not eligible at the time of the renewal application under the income limits of the program.

LEGAL ANALYSIS AND DISCUSSION

In this matter, the only dispute is whether the Division correctly determined that petitioner was not eligible to receive benefits at the time of application for the New Jersey family care Program due to excess income.

N.J.A.C. 10:71-5.1 establishes financial eligibility standards for applicants.

Under subsection (b), Income is defined as receipt, by the individual, of any property or service which he or she can apply, either directly or indirectly or by sale or conversion, to meet his or her basic needs of food and shelter. All household income, whether in cash or in kind, shall be considered in the determination of eligibility, unless such income is exempt under N.J.A.C. 10:71-5.3.

Earned income is defined as payment received by an individual for services performed as an employee. Unearned income is defined as any income which is not coincident with the provisions set forth above.

N.J.A.C. 10:71-5.1 et seq. differentiates between earned income as gross income, and net income as self-employment income.

Here, it is clear that when petitioner's Social Security income was combined with the maintenance in kind provided by her daughter, petitioner had a combined household income in excess of the maximum Federal poverty limit.

On the basis of the facts set forth above, I **CONCLUDE** that the Division correctly determined that at the time of review, petitioner was not eligible to receive benefits due to excess income.

ORDER

Based upon the foregoing, it is **ORDERED** that the decision of the agency to deny petitioner's application for benefits is hereby **AFFIRMED**.

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.

February 3, 2025

DATE



ANDREW M. BARON, ALJ

Date Filed with Agency:

February 3, 2025

Date Sent to Parties:

February 3, 2025

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APPENDIX

LIST OF WITNESSES

For Petitioner:

Robert Pierce, Esq. for M.W.

For Respondent:

Maira Rodgers

LIST OF EXHIBITS IN EVIDENCE

For Petitioner:

None

For Respondent

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