



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 14079-25

Medicaid Only
Excess Resources Appeal
N.J.A.C. 10:71-4

N.C.

Petitioner,

v.

Morris County DHS/

Office of Temporary Assistance,

Respondent.

For petitioner: Robert Murray, Esq.

For respondent: Maira Rogers, Paralegal/Specialist

BEFORE: Aurelio Vincitore , ALJ

STATEMENT OF THE CASE

Respondent denied petitioner's Medicaid Only application due to excess resources under N.J.A.C. 10:71-4.5.

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:

- (1) Petitioner's **available and countable resources** total \$ 3,436.15
(N.J.A.C. 10:71-4.1, -4.2 for single individuals; N.J.A.C. 10:71-4.6 and -4.8 for married individuals)
- (2) The applicable **resource eligibility standard** is \$ 2,000.00 (N.J.A.C. 10:71-4.5)
- (3) Petitioner's **date of resource eligibility** is _____ (N.J.A.C. 10:71-4.5) (*fill in if resources under applicable standard*)

III.

- I **CONCLUDE** that petitioner is over the applicable resource limit and is therefore resource **INELIGIBLE** for Medicaid Only benefits under N.J.A.C. 10:71-4.5.
- I **CONCLUDE** that petitioner is not over the applicable resource limit and is therefore resource **ELIGIBLE** for Medicaid Only benefits as of _____ (*fill in date of eligibility*) under N.J.A.C. 10:71-4.5.

ADDITIONAL FINDINGS OF FACT/CONCLUSIONS OF LAW

On March 26, 2025, N.C. applied for Aged, Blind, Disabled (ABD) Medicaid and was denied on June 18, 2025, for being over the program resource limit. It was determined that the total countable resources in March 2025 at the time were \$3,436.15 and the program resource limit is \$2,000.00.

Petitioner receives \$1,891.07 on the last day each month from TIAA. Under N.J.A.C. 10:71-4.1(e), resource eligibility is determined "as of the first moment of the first day each month." Petitioner did not cite any authority that allows for a deviation from the express terms of N.J.A.C. 10:71-4.1(e).

ORDER

I **ORDER** that:

- Petitioner's appeal is **DISMISSED** because petitioner has **NO STANDING**.
- Petitioner is resource **INELIGIBLE** for Medicaid Only benefits under N.J.A.C. 10:71-4.5.
- Petitioner is resource **ELIGIBLE** for Medicaid Only benefits as of _____ under N.J.A.C. 10:71-4.5.

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.

January 9, 2026
DATE

Aurelio Vincitore
AURELIO VINCITORE ALJ

OAL Dkt. No. HMA 14079-25

Date Record Closed: 12/17/25

Date Filed with Agency: 1/14/26

Date Sent to Parties: 1/14/26

APPENDIX

Witnesses

For Petitioner:

Amy Lagos, trustee of Qualified Income Trust (QIT) and daughter

For Respondent:

Maira Rogers, paralegal specialist

Exhibits

For Petitioner:

- P-1 Petitioner's Explanation Letter
- P-2 September 15, 2025 Letter, response to request for information
- P-3 August 21, 2025 email from Maira Rogers re: Peapack-Gladstone Bank
- P-4 Peapack-Gladstone Bank statement- January 1 through January 31, 2025
- P-5 Peapack-Gladstone Bank statement- February 3 through March 2, 2025
- P-6 Peapack-Gladstone Bank statement- March 3 through March 31, 2025
- P-7 Peapack-Gladstone Bank statement- May 1 through June 1, 2025
- P-8 December 21, 2024- TIAA Confirmation of Annuity Income

For Respondent:

- R-1 Respondent's Pre-Hearing Pack