



State of New Jersey

**DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

ADMINISTRATIVE OFFICES
QUAKERBRIDGE PLAZA—BUILDING 5 & 7 & 12
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ADDRESS REPLY TO:
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TRENTON, NEW JERSEY 08625-0712

MEDICAID COMMUNICATION NO: 90-14

DATE: March 19, 1990

TO: County Welfare Agency/Board of Social Services Directors

SUBJECT: Japanese Restitution and Agent Orange Payments

The Health Care Financing Administration has advised of recent federal legislation which has provided for special income and resource consideration for certain payments made by the federal government. The following payments are to be excluded from consideration as income or resources in the determination of eligibility for all AFDC-related and SSI-related Medicaid programs.

Japanese Restitution Payments - These payments are authorized by the Civil Liberties Act of 1988 (P.L. 100-383) and are payable to citizens and resident aliens of Japanese ancestry who suffered evacuation, relocation, and internment by the United States during World War II. Eligible individuals will be entitled to receive \$20,000.

Agent Orange Payments - These payments are to be received by persons who have suffered the effects of exposure to Agent Orange and are payable from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the *In re Agent Orange product liability litigation, M.D.L. No. 138 (E.D.N.Y.)*. It is our understanding that the amounts of these payments will be variable.

These exclusions are effective immediately.

Note: For persons in Title XIX facilities, these payments are not to be included as income in the post-eligibility treatment of income and, therefore, should not be entered on the Form PA-3L. This treatment is at variance with the policy concerning German Reparation payments which are included in the post-eligibility treatment of income (see Program Instruction 85-8-3).

Questions regarding this policy should be referred to the field service staff assigned to your county.

Sincerely,


Saul M. Kilstein,
Director

SMK:Hh

cc: Marion E. Reitz, Director
Division of Economic Assistance

Nicholas R. Scalera, Acting Director
Division of Youth and Family Services