



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
PO Box 712
TRENTON, NJ 08625-0712

JENNIFER VELEZ
Commissioner

VALERIE HARR
Director

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

A.R.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 3619-2014
AND HEALTH SERVICES AND	:	
MORRIS COUNTY BOARD OF	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents in evidence. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision is August 18, 2014, in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of receipt. The Initial Decision in this matter was received on July 3, 2014.

This matter concerns the termination of Petitioner's benefits due to excess income. Petitioner receives Social Security in the amount of \$1,299 and \$1,525.55 from the Veterans' Administration. In January 2014, she began receiving a service connected disability benefit from the VA. Morris County terminated benefits due to her failure to complete the redetermination process and due to excess income. Her total income of \$2,824.55 exceeds the limit of \$2,163 for home and community based services.


Petitioner appealed claiming that the VA benefit was not countable income. However, the Initial Decision correctly determined that there was no exclusion for this type of a benefit payment. Unlike other cases where the VA benefit is based on unreimbursed medical expenses or classified as aid and attendance and is not countable income for Medicaid eligibility, Petitioner's VA benefit is related to her military service and is included when determining Medicaid eligibility. N.J.A.C. 10:71-5.4(a). See also 20 C.F.R. § 416.1121.

Thus, I hereby ADOPT the Initial Decision and FIND that Petitioner was properly terminated due to excess income.

THEREFORE, it is on this 3 day of AUGUST 2014

ORDERED:

That the Initial Decision is hereby ADOPTED.


Valerie Harr, Director
Division of Medical Assistance
and Health Services
*Chief of Staff on
behalf of
Valerie Harr*