

Agency Head to file a Final Agency Decision in this matter is October 30, 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 September 19, 2014.

This matter arises from Petitioner's approval for Medicaid benefits and the spousal allowance calculated in conjunction with those benefits. At the hearing, Petitioner did not dispute the calculation done by the Warren County Board of Social Services (WCBSS). Instead, she contended that the allowance was insufficient to meet her needs.

Therefore, this case turns to the issue of whether Petitioner's spouse has shown that she had exceptional circumstances resulting in financial duress. N.J.A.C. 10:71-5.7(e) provides that "if it is established at the hearing that the community spouse needs income above the amount established by the community spouse maintenance deduction due to exceptional circumstances leading to financial duress, there shall be substituted for the community spouse maintenance deduction such amount as is necessary to alleviate the financial duress and for so long as directed in the final hearing decision." This regulation corresponds with the federal law which provides that the community spouse's monthly allowance may only be raised "due to exceptional circumstances resulting in significant financial distress." 42 U.S.C. §1396r-5(e)(2)(b).

After reviewing the record, I concur with the ALJ's findings that Petitioner has not established his spouse's expenses were so out of the ordinary that they

constitute exceptional circumstances resulting in financial duress and ADOPT the Initial Decision in its entirety.

THEREFORE, it is on this 10th day of NOVEMBER 2014,

ORDERED:

That the Initial Decision is hereby ADOPTED.

A handwritten signature in black ink, appearing to read "Valerie J. Harr", is written over a horizontal line.

Valerie J. Harr, Director
Division of Medical Assistance
and Health Services