



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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TRENTON, NJ 08625-0712

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Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

E.H.,

PETITIONER,

v.

MIDDLESEX COUNTY BOARD

OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

ORDER OF RETURN

OAL DKT. NO. HMA 09571-19

As Assistant Commissioner of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the contents of the OAL case file. Petitioner filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is February 18, 2020, 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 the agency's receipt. The Initial Decision was received on January 2, 2020.

Based upon my review of the record, I hereby REVERSE the Administrative Law Judge's recommended decision because it is not in accordance with the Medicaid

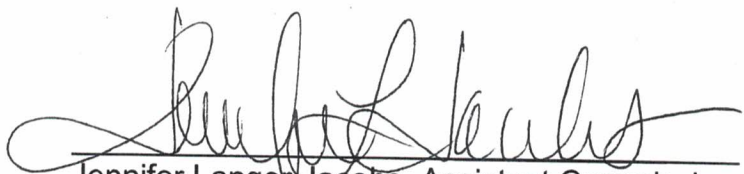
regulations governing resource eligibility. N.J.A.C. 10:71-4.5(c) states that participation in the Medicaid Only program will be denied if the resources of an individual exceed \$2000. Petitioner applied for Medicaid on April 4, 2019. As of April 1, 2019, Petitioner's checking account contained \$1,991.78. She had a burial agreement. In dispute is \$595 worth of burial expenses, including costs such as the church, clergy and memorial package. That amount added to the amount in her checking account caused her resources to exceed \$2,000. However, Med-Com 18-08 characterizes allowable, reasonable burial expenses to include "memorial services used in conjunction with a funeral...and coordinating or conducting funeral rites or ceremonies..." The evidence in the record supports that the \$595 in dispute are in fact allowable, reasonable, burial expenses.

THEREFORE, it is on this 27<sup>th</sup> day of JANUARY 2020,

ORDERED:

That the Initial Decision is hereby REVERSED; and

That the matter is RETURNED to Middlesex County for a determination of Petitioner's eligibility.

  
Jennifer Langer Jacobs, Assistant Commissioner  
Division of Medical Assistance  
and Health Services