



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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TRENTON, NJ 08625-0712

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JENNIFER VELEZ
Commissioner

VALERIE HARR
Director

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

F.S.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE :	:	OAL DKT. NO. HMA 11848-2014
& HEALTH SERVICES &	:	
HUDSON 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 filed below. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is January 5, 2015, 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 November 21, 2014.

Petitioner's application for Medicaid benefits was denied due to the fact that he is neither a United States citizen nor an alien lawfully admitted for permanent residence. He also does not fit in any of the definitions that would classify him as an eligible alien. Furthermore, his native Dominican Republic recently invalidated citizenship to individuals who were born there to migrant parents.

The ALJ concurred that the denial was correct and, based on the record before me, I hereby ADOPT the Initial Decision. Petitioner, who is a ward of the Office of Public Guardian and has been a resident of Jersey City Medical Center since 2011, has not been able to document his citizenship status. It was claimed that he has been in the United States since the 1950s, married a US citizen and owned a business in New York.¹ However, there is no record that he ever became a citizen. There has been an extensive search based on glimmers of information from Petitioner and his family. However, neither the State Department nor the Social Security Administration could provide any proof that Petitioner had the necessary citizenship status to establish Medicaid eligibility.

While the circumstances that prevent him from repatriating to his native Dominican Republic are unfortunate, the fact remains that his status renders him ineligible for Medicaid benefits in this country.

¹ The record also mentioned that Petitioner had a business in Antigua and he would travel there frequently. His lack of continuous residency could create a problem if his status was ever verified. See Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the PRWORA of 1996, 632 Federal Register 61344 at 6141-61416 (November 17, 1997).

THEREFORE, it is on this 31st day of DECEMBER 2014

ORDERED:

That the Initial Decision is hereby ADOPTED.

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

Valerie Harr, Director
Division of Medical Assistance
and Health Services