



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
P.O. Box 712
Trenton, NJ 08625-0712

CHRIS CHRISTIE
Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

VALERIE HARR
Director

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

M.P.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
BURLINGTON COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.
ADMINISTRATIVE ACTION
ORDER OF RETURN
OAL DKT. NO. HMA 12429-2014

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the OAL case file, the documents in evidence and the Initial Decision in this matter. Petitioner filed exceptions. Procedurally, the time period for the Agency Head to file a Final Agency Decision is May 14, 2015 in accordance with an Order of Extension.

This matter concerns the denial of Petitioner's benefits for failure to provide the information necessary to determine Medicaid benefits. He is

presently residing in a nursing home in Camden County. At the time of the September 26, 2013 application filed with Burlington County, he resided in Sterling Manor Nursing Home. At issue are the resources of his spouse. Petitioner was directed to provide information regarding his wife including her resources. Nothing was received and the case was denied in September 2014. By that time Petitioner had left Sterling Manor in February 2014 and moved to Camden County. Sterling Manor appealed as Petitioner's authorized representative.

At the hearing Sterling Manor provided a letter dated December 12, 2013 wherein Petitioner claimed that his wife lived in Peru and they had been estranged since 1976. P-1 at 9. That letter was not in Burlington County's case file. However, the letter contradicts Sterling Manor's representative who had provided information including Petitioner's wife's name, the fact she was living in Manhattan and they had last spoken about five years ago. The Medicaid application also includes her birth date. R-1 at 9.

The Initial Decision found that Petitioner had failed to provide adequate information to determine his eligibility. For the reasons that follow, I hereby REVERSE the Initial Decision and RETURN the matter to Burlington County.

I do agree with the ALJ's determination that there was insufficient documentation provided to Burlington County process Petitioner's application. The nursing home representative provided information about Petitioner's wife on the application but failed to either respond regarding the couple's resources or document that the wife refused to cooperate. The December 13, 2013 letter that was not provided until the hearing alleges a decades long estrangement and is

contradicted by statements from the nursing home that the couple was in more recent contact. Compare P-1 at 9 with R-1 at 9. Moreover, there is also an allegation that the couple is divorcing. R-1 at 17. Sterling Manor also states that Petitioner is currently on Medicaid in the Camden County nursing home.

I am concerned that there are too many unsupported allegations regarding Petitioner's wife and the status of their relationship. If they are divorcing, the assets will need to be equitably divided. If Petitioner is presently receiving Medicaid benefits in another county, that eligibility file should be reviewed to see how his wife's assets were determined. As a result of these questions, I am RETURNING this case to Burlington County to work with the DMAHS Eligibility Unit to review the circumstances surrounding Petitioner's case. Once there is clarification regarding Petitioner's wife and her resources, Burlington County will re-issue a determination letter that Petitioner may appeal if he is not satisfied.

THEREFORE, it is on this *12th* day of MAY 2015,

ORDERED:

That the Initial Decision is hereby REVERSED; and

That the matter is hereby RETURNED to Burlington County for further action as set forth above.



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