

Petitioner did not respond and the application was denied on March 31, 2023. Ibid. Petitioner then filed for a Fair Hearing, arguing that the DAR never received the Request for Information and that since DAR paperwork was submitted, the County should have sent the request to the DAR, a Senior Planning Services employee.

The Initial Decision found that there was no dispute as to whether the DAR paperwork was in petitioner's file and therefore the County should have made additional efforts to send the Request for Information to the DAR and/or made a phone call to the DAR after not receiving a response to the Request for Information that was mailed to Petitioner. ID at 2-3. The Administrative Law Judge opined that common sense and logic dictated that the County should have taken additional steps, especially since Petitioner failed to respond to the Request for Information that was sent to Petitioner's home address for the first Medicaid application. ID at 3.

By letter dated August 8, 2023, the County filed Exceptions to the Initial Decision, arguing that the DAR submitted the application electronically through the State's online portal and filled out both the home address section and the mailing address section, the latter of which is where the Request for Information was sent. While that is true, the application also listed the name, address, phone number, and email address of the Authorized Representative who helped Petitioner with the application.

I FIND that the County inappropriately denied the application of Petitioner when Petitioner did not respond to the Request for Information dated February 23, 2023. The DAR, an employee at Senior Planning Services, was listed as the representative for Petitioner on the application. The Initial Decision pointed out that since this was the second time there was no response to a Request for Information, the County should have done more. While it is true that this was the second time there was no response to the Request for Information, what is more important is the County had the DAR paperwork in

Petitioner's file. As the Appellate Division stated in V.M. v. Division of Medical Assistance & Health Services, 385 N.J. Super. 165, 170 (App. Div. 2006):

Many proposed beneficiaries, including nursing home residents, are debilitated and unable to submit their own applications. Furnishing notice to such an individual would hardly serve the purpose of affording that individual an opportunity to seek redress from adverse action. In cases where the application is executed and submitted by an authorized agent, it is reasonable to assume that some impediment interfered with the ability of the proposed beneficiary to prepare and submit the application personally.


I agree with the Administrative Law Judge's statement that a simple phone call to the DAR would have likely resulted in a response to the Request for Information. The County mailed the Request for Information to the mailing address on the application, but since they were in possession of the DAR paperwork, they should have contacted the DAR before denying the application.

Thus, based on the record before me and for the reasons enumerated above, I hereby ADOPT the Initial Decision and FIND that the denial of Petitioner's application was inappropriate and the County should process Petitioner's February 13, 2023 application to determine if Petitioner is eligible for Medicaid benefits. This Final Agency Decision should not be construed as making any findings regarding Petitioner's eligibility.

THEREFORE, it is on this 6th day of OCTOBER 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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