

Both the County Welfare Agency (CWA) and the applicant have responsibilities with regard to the application process. N.J.A.C. 10:71-2.2. Applicants must complete any forms required by the CWA; assist the CWA in securing evidence that corroborates his or her statements; and promptly report any change affecting his or her circumstances. N.J.A.C. 10:71-2.2(e). The CWA exercises direct responsibility in the application process to inform applicants about the process, eligibility requirements, and their right to a fair hearing; receive applications; assist applicants in exploring their eligibility; make known the appropriate resources and services; assure the prompt accurate submission of data; and promptly notify applicants of eligibility or ineligibility. N.J.A.C. 10:71-2.2(c) and (d). CWAs must determine eligibility for Aged cases within 45 days and Blind and Disabled cases within 90 days N.J.A.C. 10:71-2.3(a) and 42 CFR § 435.912. The time frame may be extended when documented exceptional circumstances arise preventing the processing of the application within the prescribed time limits. N.J.A.C. 10:71-2.3(c). The regulations do not require that the CWA grant an extension beyond the designated time period when the delay is due to circumstances outside the control of both the applicant and the CWA. At best, the extension is permissible. N.J.A.C. 10:71-2.3; S.D. v. DMAHS and Bergen County Board of Social Services, No. A-5911-10 (App. Div. February 22, 2013).

Here, on or about January 31, 2023, a Medicaid application was filed by Petitioner's Designated Authorized Representative (DAR).¹ R-1. On March 17, 2023, MCDOSS sent a letter to Petitioner's DAR requesting verification of certain information that was necessary to process Petitioner's application. R-4. The March 17, 2023 letter

¹ This is the fourth Medicaid application Petitioner has filed. The prior three applications were filed in Middlesex County and denied for failure to provide documentation. None of the prior three applications are the subject of this appeal.

advised that the requested information was due by March 31, 2023. Ibid. More specifically as outlined in MCDOSS's Adult Medicaid Action Sheet, Petitioner failed to provide the following documentation: (1) all pages of Petitioner's divorce decree, (2) letter or contract from individuals who rented office space at Petitioner's Sayreville property and (3) verification and explanation for the \$20,000 withdrawal from Wells Fargo bank account #2844 that occurred on February 4, 2019. R-10. On March 24, 2023, the DAR called MCDOSS to question why it was necessary that Petitioner provide all pages of her divorce decree, and to inform MCDOSS that Petitioner did not have lease agreements with any of the tenants that rented office space in her commercial property. R-10. On March 30, 2023, the DAR called MCDOSS again to request an extension because she had been unable to obtain Petitioner's divorce decree. Ibid. The extension was granted and Petitioner had until April 4, 2023 to provide the requested verifications. On April 11, 2023, MCDOSS denied Petitioner's application for failure to provide the requested documentation needed to determine eligibility. R-2.

During the Office of Administrative Law hearing, Petitioner's witness, J.B., testified that Petitioner had provided a substantial amount of the documents requested by MCDOSS. The documents Bland referenced included one page of Petitioner's divorce decree, foreclosure documents and email correspondence from the court on action steps that could be taken to obtain Petitioner's Judgement of Divorce since an attorney was not seeking this information. In response, MCDOSS asserts that Petitioner failed to provide the requested documentation and had been notified in the Request for Information dated March 17, 2023, that all pages of Petitioner's 1981 divorce decree and letters from individuals who leased office space at Petitioner's commercial property had not been received, which could result in Petitioner's Medicaid application being denied. R-10. Petitioner also failed to verify and explain why she withdrew \$20,000 from her Wells Fargo

account #2844, purchased a \$15,000 cashier's check from that withdrawal and kept \$5,000 in cash. Ibid. Without review of all requested information, MCDOSS would be unable to determine eligibility.²

The Initial Decision determined that it was appropriate for MCDOSS to request a complete copy of Petitioner's divorce decree and leasehold information for the Sayreville property because MCDOSS is "responsible for determining income and resource eligibility as outlined in N.J.A.C. 10:71-4 and 5, for Medicaid Only when the applicant is receiving care in institutions defined in N.J.A.C. 10:71-3.14(d)." The Initial Decision further determined that based on these set of facts, MCDOSS was correct to deny Petitioner's Medicaid application. I concur. Petitioner failed to provide a complete copy of her divorce decree, letters from tenants who rented office space and verifications for the \$20,000 withdrawn from Wells Fargo bank account #2844, all of which remained outstanding and had not been provided to MCDOSS prior to the April 4, 2023 extended deadline. R-2, R-10.

MCDOSS specifically advised what documentation was necessary to process Petitioner's application and determine eligibility. R-4. Petitioner's DAR had been on notice since March 17, 2023 that Petitioner would need to submit a complete copy of the divorce decree and provide either contracts or lease agreements from the individuals Petitioner referenced in her January 4, 2023 letter regarding the rental of office space at the Sayreville property. The DAR was informed that failure to provide this documentation could result in denial of Petitioner's application. R-10. Petitioner did not provide the requested documentation by the April 4, 2023 extended deadline. Ibid. Without the

² Although implication of a transfer penalty is not an issue in this case, MCDOSS is required to examine Petitioner's resources within the 5 year look-back period. Petitioner's resources must be scrutinized from January 31, 2018 through January 31, 2023, the date Petitioner filed her Medicaid application. N.J.A.C. 10:71-4.10 (b)(9).

requested documentation, MCDOSS was unable to make a determination related to Petitioner's eligibility and appropriately denied Petitioner's application.

Accordingly, for the reasons set forth above and those contained in the Initial Decision, I hereby ADOPT the Initial Decision and FIND that MCDOSS's denial of Petitioner's application was appropriate in this matter

THEREFORE, it is on this 7th day of DECEMBER 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.

carol grant OBO
Jennifer Langer Jacobs

Digitally signed by carol grant
OBO Jennifer Langer Jacobs
Date: 2023.12.07 08:49:47 -05'00'

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