



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Commissioner

JENNIFER LANGER JACOBS  
Assistant Commissioner

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

F.B.,

PETITIONER,

v.

UNION COUNTY BOARD OF  
SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

ORDER OF REMAND

OAL DKT. NO. HMA 08950-22

As the Assistant Commissioner for 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 Office of Administrative Law (OAL) case file. Neither party filed Exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to file a Final Decision is May 4, 2023 in accordance with an Order of Extension.

This appeal stems from the Union County Board of Social Services' (UCBSS) September 13, 2022 notice denying Petitioner's Medicaid application for failure to provide documentation necessary to determine eligibility. On July 29, 2022, Petitioner's Designated Authorized Representative (DAR), Leba Weiss of South Mountain Healthcare, filed an application for Medicaid benefits on his behalf. This was Petitioner's second Medicaid application.<sup>1</sup> On August 11, 2022, UCBSS sent Petitioner's DAR a request for information needed to determine eligibility. According to the request, the documents were to be provided by August 25, 2022. UCBSS did not receive the requested documents, specifically those relating to Petitioner's life insurance policies, and the matter was denied on September 13, 2022.

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 circumstance. N.J.A.C. 10:71-2.2(e). MCOTA as the County Welfare Agency (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 and 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); MedCom No. 10-09, and Fed. Reg. 42 CFR 435.91. However, 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 regulation does not require UCBSS to grant an extension beyond the designated time period when the delay is due to circumstances outside the

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<sup>1</sup> Petitioner's May 31, 2022 application was also denied for failure to provide information necessary to determine eligibility.

control of both the applicant and the CWA. At best, an extension is permissible. N.J.A.C. 10:71-2.3; S.D. vs. DMAHS and Bergen County Board of Social Services, No. A-5911-10 (App. Div. February 22, 2013).

At all times relevant to the application process, Petitioner was assisted by a DAR from South Mountain Healthcare, either Leba Weiss or Abby Weissler. On August 11, 2022, UCBSS sent a letter to Petitioner's then authorized DAR, Leba Weiss, requesting that specific items be provided prior to August 25, 2022. The September 13, 2022 notice sets forth the items that remained outstanding at the time of denial. It is undisputed that Petitioner did not provide these documents to the UCBSS prior to the August 25, 2022 deadline or the September 13, 2022 denial notice. In fact, Petitioner admittedly did not receive the Colonial Penn information until after the denial.

Although State and federal law permit a relaxation of the prescribed time limits where "documented exceptional circumstances arise", the record in this case is devoid of any documentary evidence to establish the existence of exceptional circumstances – such as documented attempts to obtain the requested information; letters from Petitioner's representative to the CWA explaining the delay in obtaining the requested documents or a request for an extension of time to provide the information. The Initial Decision finds that Petitioner timely requested the information from Colonial Penn Insurance, but had no control over when it would be produced. I do not see the documentation of this in the record. However, if Petitioner can establish that he did in fact timely request this information from Colonial Penn, it may warrant additional time to review his application.

THEREFORE, it is on this 3rd day of MAY 2023,

ORDERED:

That the Initial Decision is hereby REVERSED; and

That the matter is REMANDED to the Office of Administrative Law to afford Petitioner an opportunity to provide the missing documentation and proof of when Petitioner requested the necessary information.



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