



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Assistant Commissioner

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

J.C.,

PETITIONER,

v.

MORRIS COUNTY DEPARTMENT OF

FAMILY SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 07289-21

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, the contents of the Office of Administrative Law (OAL) case file and Respondent's Exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to file a Final Decision is March 3, 2023 in accordance with an Order of Extension. The Initial Decision was received on December 1, 2022.

This matter arises from the Morris County Department of Social Services (Morris County) August 8, 2021 denial of Petitioner's Medicaid application for failure to provide verifications necessary to determine eligibility. On March 26, 2021, Petitioner filed a

Medicaid application with Morris County.¹ On April 14, 2021, Morris County made a request for information necessary to determine Petitioner's eligibility. Petitioner provided a voluminous response within two days of the request. However, the response was incomplete. On April 29, 2021, Morris County issued a second request for the still outstanding information and new information. Petitioner did not respond to the second request for information. As a result, on August 3, 2021, Morris County denied the application.

Petitioner contends that he did not receive the April 29, 2021 request for information, and that exceptional circumstances exist such that Petitioner should be granted additional time to provide the outstanding information. This assertion, in and of itself, is not sufficient to overcome the Petitioner's responsibility to provide complete responses to the county welfare agency charged with determining his or her eligibility. However, in this case there are several considerations that ultimately weigh in favor of returning this case to the county for consideration based on the Petitioner's March 2021 application.

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). MCBSS 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

¹ The Initial Decision incorrectly finds that the application was filed on March 31, 2020.

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 MCBSS to 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, 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).

First, Petitioner quickly provided documents in response to the initial request for information. Second, on July 13, 2021, Petitioner inquired as to the status of Petitioner's application. (P-3). There is no evidence in the record that anyone from Morris County responded to Petitioner's inquiry until the denial letter was sent nearly two weeks later. Third, the record shows that Morris County emailed the first request for information to Petitioner's representative. There is no explanation in the record as to why the second request was sent regular mail instead of by email. Finally, the August 3, 2021 denial letter identifies the still outstanding information as those items that were newly requested in the April 29, 2021 letter.

Given the totality of circumstances here, it would be appropriate to return this matter to Morris County for review of Petitioner's March 2021 application. This Final Agency Decision should not be construed as making any findings regarding Petitioner's eligibility.

THEREFORE, it is on this ^{2nd} day of MARCH 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED; and

That the matter is RETURNED TO Morris County for further processing of Petitioner's Medicaid application.

carol grant OBO
Jennifer Langer
Jacobs

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