



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

PO Box 712

TRENTON, NJ 08625-0712

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

SARAH ADELMAN  
Acting Commissioner

JENNIFER LANGER JACOBS  
Assistant Commissioner

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

L.M.

PETITIONER,

v.

UNION COUNTY DIVISION OF  
FAMILY SERVICES,

RESPONDENTS.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**ADMINISTRATIVE ACTION**

**FINAL AGENCY DECISION**

**OAL DKT. NO. HMA 11680-22**

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the Office of Administrative Law (OAL) case file, the documents filed below. Neither party filed Exceptions. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is June 6, 2023 in accordance with an Order of Extension. The Initial Decision was received on March 8, 2023.

This matter arises from the denial of Petitioner’s Medicaid application due the failure to provide information that was necessary to determine eligibility. The issue presented here is whether Petitioner provided the necessary verifications for Union County to make an eligibility determination. It is undisputed that when the November 7, 2022 denial was issued,

Petitioner was unable to provide proof that she resided in a Medicaid certified facility.<sup>1</sup> It is also undisputed that Petitioner was unable to provide the requested financial verifications concerning her deceased husband. Petitioner argued that her failure to provide the outstanding verifications should be excused by way of a spousal waiver since her deceased spouse could not provide information regarding transfers he made to his son, M.M., and M.M. was unwilling to cooperate. I agree with the ALJ, that the non-cooperating party here is M.M., and the spousal waiver does not extend to Petitioner's stepson. Accordingly, the Initial Decision of the OAL is ADOPTED as the Final Agency Decision in this matter.

THEREFORE, it is on this 27<sup>th</sup> day of APRIL 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: 2023.04.27 21:13:32  
-04'00'

---

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

---

<sup>1</sup> The facility in which Petitioner resides received its Medicaid certification in December 2022. As a result, Petitioner was able to provide this information in connection with her January 2023 application.