



Petitioner's failure to provide information necessary to determine eligibility.<sup>1</sup> The issue presented here is whether the Board's determination denying Petitioner's February 24, 2023 application for Medicaid due to failure to provide the requested verification was proper.

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. Applicant 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). 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. 10:72-2.2 (c) and (d). The CWA must determine eligibility of an application for the aged in 45 days and for blind, and disabled applicants within 90 days. N.J.A.C. 10:71-2.3(a); MedComm No.10-09, and 42 CFR 435.91. Medicaid Communication No. 10-09 states:

If additional verifications are needed and the applicant or their representative does not respond to the worker's request after a time period, as specified by the Agency, an additional request for information must be sent informing the applicant of what documentation is still needed in order to determine their eligibility. This letter will also inform the applicant or their representative that if the information is not received within the specified time period from the receipt of the request, the case will be denied.

Here, on February 24, 2023, Petitioner filed a Medicaid application through their Designated Authorized Representative (DAR).<sup>2</sup> On May 23, 2023, the Board denied the

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<sup>1</sup> The denial notice was dated February 9, 2023, but was signed off on May 23, 2023. It is not clear why the Board did not issue a new denial notice for the February 24, 2023 application. The denial notice for the December 13, 2022 application also was dated February 9, 2023.

<sup>2</sup> This was Petitioner's second Medicaid application. Petitioner filed their first Medicaid application on December 13, 2022, which was denied on February 9, 2023. On May 31, 2023, Petitioner filed a third application which was approved retroactively on February 1, 2023, after submitting the verification of the German pension. The document

Medicaid application. On May 31, 2023, Petitioner requested a fair hearing. The matter was transferred to the Office of Administrative Law (OAL) as a contested case, where a hearing was held on September 13, 2023, via telephone. The Initial Decision in this matter found that the Board properly denied Petitioner's application, as Petitioner failed to provide sufficient verification about a pension award letter from the Deutsche Post Bank.

On April 10, 2023, and April 28, 2023, the Board requested Petitioner provide following information to determine eligibility: 1) verification of current and prior residences; 2) verification of income: a) VA, Pension, Civil Service or City Pensions, Private Pensions with deductions; b) current 2023 pension award from the UK; c) current 2023 pension award letter from the Deutsche Post Bank; 3) copies of any prepaid funeral contacts and deeds to burial plots.

When the application was submitted on February 4, 2023, a document with the words "German Pension" handwritten on the top accompanied the application. On May 11, 2023, the DAR provided the additional information including an explanation of the German pension. The typed explanation states that Petitioner is a widow of a Holocaust survivor, the pension received is reparations, and that the income does not count towards income that needs to be reported for Medicaid. The pension explanation was accompanied by a picture of a headstone that shows that the late husband was a Holocaust survivor. The Board did not accept the typed explanation because it was not an official document. The Board was seeking for a current award letter from the Deutsche Post Bank. On May 23, 2023, the Board denied Petitioner's application for failure to provide requested documentation to determine eligibility.

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needed to verify the German pension was dated March 19, 2015, and has been in the Petitioner's possession since March of 2015.

Here, the Board requested Petitioner provide verifications including a current pension award letter from the Deutsche Post Bank. The DAR provided a summary of regulations from various websites or authorities that Petitioner's pension was not to be counted as a resource, however, the DAR failed to furnish an official verification of the German pension so that the Board could evaluate whether this resource was in fact excluded from the eligibility determination.

During the hearing, the DAR testified that she only provided partial information. She had difficulty getting the information from Petitioner's family because the family was reluctant to provide such information. The DAR also testified that she did not provide current pension award letter because she believed that there was no reason to provide it. However, the Board could not process the application without the current award letter from the German pension authority.

The Initial Decision upholds the denial. The Administrative Law Judge (ALJ) determined that the Board properly denied Petitioner's application on the ground that Petitioner had failed to provide the requested documents per governing regulations.

Based upon the facts herein, I concur with the Initial Decision and find that the Board correctly denied Petitioner's February 24, 2023 application for failing to provide a current pension award letter from the Deutsche Bank to determine eligibility. Thus, for the reasons set forth above and those contained in the Initial Decision, I hereby ADOPT the Initial Decision's conclusions.

THEREFORE, it is on this 22nd day of DECEMBER 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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