

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 September 30, 2022, a Medicaid application was filed on Petitioner's behalf, by Becky Weinstein of Senior Planning Services (SPS), who was designated as Petitioner's Designated Authorized Representative (DAR). On October 17, 2022, UCDSS, UCDSS sent a letter to Petitioner's DAR, requesting verification of certain information that was necessary to process Petitioner's application. The October 17, 2022 letter advised that the requested verifications were due by October 31, 2022. Ibid. On October 31, 2022, Petitioner's DAR provided some, but not all, of the verifications requested by UCDSS.

On November 14, 2022, UCDSS sent a second verification request to obtain the documents that had still not been provided, which included many of the previous requests

made by UCDSS in its October 17, 2022 letter. The November 14, 2022 letter advised that the verifications were due by November 28, 2022. Petitioner's DAR, on November 28, 2022, again provided some, but not all, of the verifications previously requested in both UCDSS's October 17, 2022 and November 14, 2022 letters.

On December 9, 2022, UCDSS denied Petitioner's application, stating that "[a] letter dated 10/17/2022 and 11/14/2022 were sent to you in regards to [Petitioner] requesting several verifications. . . . [t]o date you have not provided sufficient verifications. Therefore, Medicaid application will be denied effective 12/09/2022." R-6. The letter stated that following verifications were still outstanding at the time of the denial: bank statements and check images for Columbia Bank accounts #7738, and #3351 from September 1, 2017 to closure¹; identification of three transfers (\$4,000 made on February 22, 2018, \$10,500 made on February 8, 2018, and \$4,000 made on December 20, 2017) made from Petitioner Chase Bank Account #6413 to an unknown bank account #5443 and correlating bank statements for unknown account #5443²; correlating statements for two \$600.00 Zelle payments made on July 2, 2018 and a \$2,000 payment made on November 17, 2017 into BOA #5409 from Petitioner to herself³; and recent billing statements for the following credit cards as proof of

¹ The verification requests and the denial letter advised that "[t]he previous paperwork provided is not sufficient because it does not display the client's name and address, nor is it on bank letter head. Please note, online screen shots are not acceptable." R-2, R-4, and R-6.

² The verification requests and the denial letter advised that "[i]f [Petitioner] is the owner or co-owner of this account you must provide quarterly statements from 09/01/2017-09/01/2022. The document provided from Chase bank is not acceptable because it does not clearly state the account number. Please note, account #5443 may not be a Chase account. Eligibility cannot be established without this information because our agency cannot determine if [Petitioner] has undisclosed resources. If [Petitioner] is not the owner provide the correlating statement as proof of account ownership and a penalty will be assessed." Ibid.

³ The verification requests and denial letter advised that "[a]fter these funds were received they were sent via Zelle back to the unknown account later that same day. As per the bank statements provided for BOA #5409 there were numerous transfers between this unknown account and BOA #5409. You must also provide quarterly statements for this account from 09/01/2017-09/01/2022. Ibid.

ownership: Target, GAP, Sears. R-2. R-6. All of these verifications were requested in both the October 17, 2022 and November 14, 2022 verification letters.

The Initial Decision in this matter reversed the December 9, 2022 denial, finding that the information Petitioner provided concerning Columbia Bank was responsive to the verification request and should not have been a basis to deny Petitioner's application. The Initial Decision also found that there was nothing in the evidence to show that Petitioner owned Chase Bank account No. 5443. Based on these facts, the Initial Decision found that Petitioner should be assessed a transfer penalty rather than deny her application. I disagree with this assessment.

UCDSS's requests for additional information made on October 17, 2022 and November 14, 2022 were clear and unambiguous. Petitioner's responses provided on October 31, 2022 and November 28, 2022 lack substantial compliance to those requests. Specifically, UCDSS advised Petitioner's DAR in both letters that documentation previously provided in relation to Columbia Bank account #7738 and #3351 were insufficient because it lacked Petitioner's name and address and it was not on bank letterhead. UCDSS additionally advised that "online screen shots were not acceptable." R-2 and R-4. However, Petitioner's DAR failed to provide documents responsive to this request or at the very least, provide certification that the screenshots previously sent were actually provided by Columbia Bank and were for the accounts at issue. While the record contains a letter from Columbia Bank stating "[i]n regards to your recent request for Verification of Deposit: accounts ending in 7738 and 3351 is a product that does not produce statements. The transaction history that was previously sent is a valid statement alternative to display transaction history for both accounts," there is no documentation in the record showing that the screenshots provided by Petitioner's DAR are the "transaction history that was previously sent" or that the accounts match the account numbers at issue. See R-3. Without documentation that shows that the screenshots provided are the accounts at issue, they were provided directly by the bank

without alteration, and include the full transaction history of the dates at issue, UCDSS could not accept the screenshots as authentic and therefore, could not properly assess Petitioner's eligibility.

Further, the September 30, 2022 letter from Chase Bank stating that they were unable to locate any records that respond to SPS request is insufficient to satisfy UCDSS's request for information. The Chase Bank letter fails to identify account #5443 specifically and only references its established internal file number SB1366263-F2 for this request. Moreover, UCDSS specifically advised that account #5443 may not be a Chase Bank account. Accordingly, there was no evidence provided to determine where the account was located, who owned said account, and the purpose of the transfers from #6413 to that account, totaling \$18,500 in 2017 and 2018. I note that while additional documentation related to the Chase Bank account requests was provided at the hearing in this matter that does not negate Petitioner's responsibility to timely comply with UCDSS's verification requests. The denial of Petitioner's application was based on her failure to provide the requested verifications. Accordingly, regardless of whether the documentation provided at the hearing would have been responsive to this request, the documentation was not timely provided to UCDSS prior to the denial of Petitioner's application.

Additionally, documentation related to the Columbia Bank accounts and the ownership of Chase Bank Account #5443 were not the only outstanding items set forth on the denial letter. In total, the letter advised that Petitioner did not provide responsive documentation in relation to six specific requests made by UCDSS.⁴ There is no explanation in the record

⁴ The Initial Decision states that the December 9, 2022 denial letter listed "four separate reasons, two of which the agency concedes should not have been included in the denial letter." ID at 5-6. The Initial Decision then only discusses the Columbia Bank and the transfers from Chase Bank account #6413 to the unknown checking account requests. However, there were six outstanding verification requests set forth on the denial letter. Accordingly, it is unclear what requests UCDSS "concedes should not have been included in the denial letter" and what other requests were still outstanding at the time of the denial.

regarding whether these requests were responded to in the timeframe provided by UCDSS or if they were still outstanding at the time that the denial was issued.

Between the first verification letter on October 17, 2022 and the denial of Petitioner's application on December 9, 2022, Petitioner and her DAR were given 53 days to provide the documentation requested. At the time of the denial, Petitioner's DAR failed to provide responsive requests to several verification requests. Without that requested documentation, UCDSS was unable to make a determination related to Petitioner's eligibility and appropriately denied Petitioner's application. Petitioner's DAR, additionally, failed to request any extensions of time to provide the requested documentation and no exceptional circumstances existed in this matter that would have necessitated such an extension.

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

THEREFORE, it is on this 18th day of AUGUST 2023,

ORDERED:

That the Initial Decision is hereby REVERSED.



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