

of Petitioner's application. On September 9, 2022, a Final Agency Decision was entered Remanding the matter back to the OAL for further findings primarily related to the order of events leading up to the denial of Petitioner's application. On June 20, 2023, the parties convened to address the issues on remand and the Administrative Law Judge (ALJ) issued an Initial Decision on August 23, 2023, once again finding that the County inappropriately denied Petitioner's 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 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 forty-five days and Blind and Disabled cases within ninety days. N.J.A.C. 10:71-2.3(a) and 42 CFR § 435.912. The timeframe 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, an 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).

In the present matter, Petitioner, through her attorney, filed a single Medicaid application for both Petitioner and her spouse, H.M., on February 28, 2022. ID at 2. After reviewing the application, the County mailed a Request for Information to counsel for Petitioner on March 10, 2022. Ibid. Counsel did not receive the mailed letter. Ibid. On that same date, the County emailed counsel asking him to submit a new, separate application for P.M. Ibid. Counsel did receive this email and on March 22, 2022, submitted a new application for P.M., mistakenly dated November 30, 2021. Ibid. As is required by N.J.A.C. 10:71-2.9, the County reviewed the new application for P.M. and determined that petitioner had not satisfied the County's requirements that were listed in the Request for Information dated March 10, 2022, and therefore denied the application. ID at 3.

I FIND that the County incorrectly denied the application of Petitioner. A new application was submitted by Petitioner and the County was required to review the new application for "completeness, consistency and reasonableness." N.J.A.C. 10:71-2.9. The County did not send Petitioner a Request for Information related to the new application. Petitioner should have been provided "a further opportunity to develop additional evidence of eligibility before final action on his or her application." N.J.A.C. 10:71-2.3(c)2.

Thus, based on the record before me and for the reasons enumerated above, I hereby ADOPT the Initial Decision and FIND that the denial of Petitioner's application was inappropriate and the County should process Petitioner's March 22, 2022 (dated November 30, 2021) application to determine if Petitioner is eligible for Medicaid benefits. This Final Agency Decision should not be construed as making any findings regarding Petitioner's eligibility.

THEREFORE, it is on this 31st day of OCTOBER 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Carol A Grant OBO

Jennifer Langer Jacobs

Digitally signed by Carol A Grant
OBO Jennifer Langer Jacobs
Date: 2023.10.31 14:42:06 -04'00'

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