



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

SHEILA Y. OLIVER
Lt. Governor

SARAH ADELMAN
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

T.M.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MONMOUTH COUNTY DIVISION

OF SOCIAL SERVICES

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 09610-2022

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision is June 26, 2023, in accordance with N.J.S.A. 52:14B-10, which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of receipt. The Initial Decision was received on May 12, 2023.

This matter arises from the imposition of a transfer penalty on Petitioner's receipt of Medicaid benefits. At the request of the parties, the scheduled hearing in this matter was

adjourned to February 16, 2023. Petitioner's Designated Authorized Representative (DAR) failed to appear at this scheduled hearing and advised the OAL through email that "this was simply missed as I (somehow) did not have it on my calendar." ID at 2. A subsequent hearing was scheduled for April 14, 2023, where the DAR, again, failed to appear. The DAR failed to respond to the OAL's request for an explanation regarding the DAR's non-appearance. By Initial Decision, dated May 12, 2023, the Administrative Law Judge (ALJ) concluded that Petitioner failed to appear, pursuant to N.J.A.C. 1:1-14.4(a), and therefore, the appeal in this matter had been abandoned.

Based upon my review of the record and for the reasons set forth in the Initial Decision, I hereby ADOPT the findings and conclusions of the ALJ, and FIND that Petitioner abandoned her appeal and the matter should be dismissed. Accordingly, the Initial Decision of the OAL is ADOPTED as the Final Agency Decision in this matter.

THEREFORE, it is on this 1st day of JUNE 2023,

ORDERED:

That the Initial Decision dismissing the fair hearing in this matter is hereby ADOPTED.



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