



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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Lt. Governor

MEGHAN DAVEY
Director

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

A.A. :
PETITIONER, : ADMINISTRATIVE ACTION
v. : FINAL AGENCY DECISION
OCCO, : OAL DKT. NO. HMA 15269-2017
RESPONDENT. :

As Director of the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the OAL case file and the Initial Decision in this matter. Procedurally, the time period for the Agency Head to file a Final Decision is January 22, 2018, 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 December 7, 2017.

This matter concerns the termination of Petitioner's nursing facility level of care. By Initial Decision dated December 7, 2017, the ALJ dismissed the appeal because Petitioner failed to appear for the December 5, 2017 hearing. The ALJ recounted the


contents of a letter from Petitioner received on the date of the hearing, in which
Petitioner wrote that she is "receiving 11 hours of home health aide assistance."

Thus, I agree with the ALJ's dismissal of this case but would add that this
dismissal is with prejudice. Petitioner may reapply if her condition changes.

THEREFORE, it is on this 10th day of JANUARY 2018

ORDERED:

That Petitioner's request for a fair hearing is DISMISSED WITH PREJUDICE.


Meghan Davey, Director
Division of Medical Assistance
and Health Services