



State of New Jersey
Department of Human Services
Division of Medical Assistance and Health Services
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PHILIP D. MURPHY
 Governor

Sheila Y. Oliver
 Lt. Governor

Carole Johnson
 Acting Commissioner

Meghan Davey
 Director

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

A.A.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

OCEAN COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 13178-17

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the documents in evidence. Neither party filed exceptions. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is January 29, 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 in this matter was received on December 15, 2017.

On March 6, 2017, Petitioner filed his fourth application for Medicaid benefits with the Ocean County Board of Social Services (OCBSS). On June 9, 2017 and June 29, 2017 OCBSS requested that Petitioner provide a complete copy of a lawsuit regarding the estate distribution. Both letters advised that the failure to provide the requested information would result in a denial of Petitioner's Medicaid application. OCBSS acknowledged that it had received the law suit documentation with the exception of the second page. OCBSS also acknowledged that it did not notify Petitioner that the second page was missing when it again made the request for a complete copy and that Petitioner's failure to supply a complete copy was the reason for the denial. Petitioner's representative testified that she unknowingly supplied an incomplete copy of the lawsuit in response to two requests for a complete copy.


Based upon my review of the record, I concur with the ALJ's determination that the matter be returned to OCBSS for an eligibility determination. However, I hereby MODIFY the findings and conclusions of the Administrative Law Judge with regard to her determination that OCBSS failed to assist the Petitioner in the Medicaid application process as required by N.J.A.C. 10:71-2.2(c). OCBSS twice requested a complete copy of the law suit at issue. While OCBSS could have specifically requested the second page of the lawsuit, Petitioner could have also inquired what was missing upon receiving OCBSS' second request for a complete copy. Given that this was Petitioner's fourth application for Medicaid benefits, his representative was not unfamiliar with the process or the requirement to provide information. This was not necessarily a failure on either party to meet its obligations, but rather a failure to communicate by both Petitioner and Respondent.

THEREFORE, it is on this ^{29th} day of JANUARY 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED in that the decision of the OCBSS is REVERSED and RETURNED to the County for a determination as to eligibility; and

That the Initial Decision is MODIFIED to reflect that the OCBSS did not fail to assist Petitioner in the Medicaid application process in violation of N.J.A.C. 10:71-2.2(c).



Meghan Davey, Director
Division of Medical Assistance
and Health Services