

This matter concerns the denial of Petitioner's October 2015 application for Medicaid benefits due the failure to provide verifications of the couple's assets by the deadline. Petitioner had been residing in a nursing home since January 2015. Petitioner died on October 26, 2015 so his estate is pursuing benefits from August 2015 through his date of death.

Both Burlington County and the applicant have responsibilities with regard to the application process. N.J.A.C. 10:71-2.2. Atlantic County as the County Welfare Agency (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 and accurate submission of data; and promptly notify applicants of eligibility or ineligibility. N.J.A.C. 10:71-2.2(c) and (d). Applicants must provide the CWA with any verification requested. N.J.A.C. 10:71-2.2 (e) provides:

As a participant in the application process, an applicant shall:

1. Complete, with assistance from the CWA if needed, any forms required by the CWA as a part of the application process;
2. Assist the CWA in securing evidence that corroborates his or her statements; and
3. Report promptly any change affecting his or her circumstances.

[Emphasis supplied].

Additionally, N.J.A.C. 10:71-3.1(b) requires the applicant to substantiate his application with corroborative evidence from pertinent sources in support of his application for eligibility.

Petitioner contends that he should have been given more time to produce the documents. The record shows that Petitioner's counsel asked Burlington County for an extension until December 7, 2015 to provide the information. While Petitioner contends there was no response from Burlington County regarding that extension, the fact remains

that he failed to meet that self-imposed deadline and did not ask for additional time. ID at 5-6. Rather, the application was denied by letter dated December 12, 2015, nearly a week after the requested deadline.¹ It was not until over a month later, on January 25, 2016, that Petitioner's counsel provided additional documents. ID at 4.

The Initial Decision notes that, while the application was pending, Petitioner's counsel did not notify Burlington County that Petitioner had died. ID at 4. That is a material fact that should have been relayed to Burlington County. However, it would not have affected the production of missing documents. While Petitioner's death ended his daughter's ability to act a Power of Attorney, the missing information concerned accounts where Petitioner's wife was either the sole owner of the account like the Transamerica IRA or the joint owner of the PNC account and his death would not have impede her ability to obtain the requested information. P-7. Thus, even if Petitioner's counsel had notified Burlington County of Petitioner's death, it is uncertain that it would have risen to the level of an "exceptional case." N.J.A.C. 10:71-2.3(c).

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¹ Burlington County sent the denial letter to the nursing home instead of Petitioner's counsel. The request for a fair hearing was received on January 12, 2016 wherein Petitioner claimed the documentation had been provided. However, the record is silent of any communication to Burlington County from Petitioner's counsel from the requested deadline of December 7, 2015 until January 25, 2016 when additional documents were provided.

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I agree with the ALJ that Burlington County complied with the regulations in denying Petitioner's application. There is nothing in the state or federal law that excuses Petitioner from his obligation to obtain documents needed to establish or verify his eligibility. Burlington County granted extensions of time to provide the information and only denied the case when Petitioner's counsel failed to meet the deadline it had requested. The record is silent on why Petitioner's representatives failed to meet the self-imposed deadline or to ask Burlington County to consider a further extension or time. Thus, for the reasons set forth above and in the Initial Decision, I FIND that Petitioner's application was properly denied.

THEREFORE, it is on this ^{22nd} day of JUNE 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Carol Grant, Deputy Director
Division of Medical Assistance
and Health Services