

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
PO Box 712
Trenton, NJ 08625-0712

CAROLE JOHNSON Commissioner

MEGHAN DAVEY

Director

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

D.S.

PETITIONER,

V.

DIVISION OF MEDICAL ASSISTANCE:

AND HEALTH SERVICES AND

ESSEX COUNTY BOARD OF

SOCIAL SERVICES.

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 01955-2018

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 May 17, 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 April 2, 2018.

This matter concerns the denial of Petitioner's application for Medicaid based on her income exceeding program eligibility limits. By Initial Decision dated December 7, 2017, the ALJ dismissed the appeal because Petitioner failed to appear for the March 5, 2018

hearing. The ALJ found that two individuals noticed that Petitioner was present the day of the hearing but walked out without explanation and failed to return or contact the ALJ. As a result, the ALJ concluded that petitioner, by and through her actions, abandoned her right to the hearing, and he dismissed her appeal with prejudice.

I agree with the ALJ's dismissal of this case. Petitioner may reapply if her condition changes.

THEREFORE, it is on this day of APRIL 2018

ORDERED:

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

Meghan Davey, Director

Division of Medical Assistance

and Health Services