

State of New Hereev

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

G.IVI.,	
PETITIONER,	ADMINISTRATIVE ACTION
V.	FINAL AGENCY DECISION
DIVISION OF MEDICAL ASSISTANCE	OAL DKT. NO. HMA 12287-2017
AND HEALTH SERVICES AND	
ATLANTIC COUNTY BOARD OF	
SOCIAL SERVICES,	
RESPONDENTS.	:

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is June 22, 2018 in accordance with <u>N.J.S.A.</u> 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 May 8, 2018.

This matter concerns the denial of Petitioner's April 27, 2017 application for Medicaid benefits. A previous application had been filed in 2016 and was denied for failure to provide information in December 2016. No appeal was filed. In the April 2017

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor

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application filed by Janelle Thomas of Hammonton Center where Petitioner resided, only his Personal Needs Account (PNA) was listed under his resources.

By letter dated May 8, 2017 Atlantic County sought additional information pertaining to Petitioner's UBS account, his pension plan and Wells Fargo bank statements from March 2016 to the present. On June 12, 2017, Atlantic County reminded Petitioner's representative, that if the information from the prior letter was not received in ten days, or June 22, the application would be denied. R-1 at 20. Cowart Dizzia, a law firm representing Ms. Thomas and the Hammonton Center, responded on June 23, 2017 that an additional ten days was needed to supply the information. R-1 at 21. With a new deadline of July 7, 2017, the law firm wrote on July 3, 2017 and again requested an extension. R-1 at 22.

The law firm contended that Wells Fargo and UBS were not responding to the requests for information on the accounts identified by Atlantic County. However, at some point in March 2017, Wells Fargo had begun sending statements from another account to Petitioner's address at Hammonton Center. P-1 at Exhibit M. That account also titled in Petitioner's name along with his sister as his Power of Attorney.

Both Atlantic County and the applicant have responsibilities with regard to the application process. <u>N.J.A.C.</u> 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. <u>N.J.A.C.</u> 10:71-2.2(c) and (d). Applicants must provide the CWA with any verification requested. <u>N.J.A.C.</u> 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

2. <u>Assist the CWA in securing evidence that corroborates his or</u> <u>her statements;</u> and

3. Report promptly any change affecting his or her circumstances.

[Emphasis supplied].

Additionally, <u>N.J.A.C.</u> 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.

I agree with the ALJ that the record here does not support Petitioner's argument that Atlantic County failed in its duty to assist Petitioner. 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. Atlantic County granted numerous extensions of time to provide the information that could not be obtained through any verification system. Petitioner had named his sister as his POA and it is evident that the documents were being mailed to her address. The claim that the POA was incapacitated is not supported by the record. Moreover, as of March 2017, Wells Fargo had started forwarding statements from the previously unknown account to Hammonton Center. Thus, for the reasons set forth above and in the Initial Decision, I FIND that Petitioner's application was properly denied. He may reapply.

THEREFORE, it is on this VH day of JUNE 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Meghan Davey, Director Division of Medical Assistance and Health Services