

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. 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].

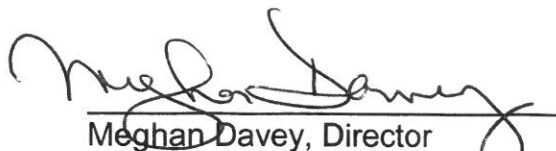
Additionally, N.J.A.C. 10:71-3.1(b) requires the applicant to substantiate his application with corroborative evidence from pertinent sources in support of his application for eligibility.

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 14th day of JUNE 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services