



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
Commissioner

MEGHAN DAVEY
Director

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

L.M.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

& HEALTH SERVICES &

UNION COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

ORDER OF REMAND

OAL DKT. NO. HMA 5651-2018

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision is August 20, 2018, in accordance with an Order of Extension.

Petitioner was denied benefits due to excess income. Her son was found eligible for Plan D which is administered by through a State Vendor. Petitioner's income was determined to be above all income standards.

At the fair hearing, Petitioner and Respondent did not provide any evidence about the family's income. Instead, the Initial Decision found that the letters about the family's current eligibility was not "adequate advance notice." For the reasons that follow I hereby REVERSE and REMAND the matter to OAL for a determination on Petitioner's eligibility.

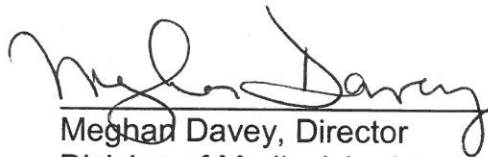
The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner. Matthews v. Eldridge, 424 U.S. 319, 333 (1976). Thus, assuming *arguendo* that the notice was inadequate, inadequate notice is a procedural defect that may be cured by a de novo hearing. In re Appeal of Darcy, 114 N.J. Super. 454, 461 (App. Div. 1971). Additionally, the case cited in the Initial Decision to support the issue of notice was reversed by the Director in the Final Agency Decision dated August 3, 2015. Here, Petitioner was afforded due process by this OAL hearing. However, she provided no evidence that Hudson County was incorrect in its determination that she was not eligible or that her son was eligible through Plan D. Thus, I REVERSE the Initial Decision and REMAND the matter for findings on Petitioner's Medicaid status.

THEREFORE, it is on this ^{14th} day of AUGUST 2018

ORDERED:

That the Initial Decision is hereby REVERSED; and

That the matter is REMANDED for further proceedings on Petitioner's eligibility.


Meghan Davey, Director
Division of Medical Assistance
and Health Services