



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

PO Box 712

TRENTON, NJ 08625-0712

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SARAH ADELMAN
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

A.S.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MORRIS COUNTY OFFICE OF

TEMPORARY ASSISTANCE,

RESPONDENTS.

Vertical line of dots separating petitioner and respondents from the case details.

ADMINISTRATIVE ACTION

ORDER OF RETURN

OAL DKT. NO. HMA 10028-2021

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is September 1, 2022, in accordance with an Order of Extension.

This matter arises from the October 20, 2021 denial of Petitioner's Medicaid application due to her failure to provide information that was necessary to determine eligibility. The Initial Denial reversed the denial. Based upon my review of the record, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ).

Both the County Welfare Agency (CWA) and the applicant have responsibilities with regard to the application process. N.J.A.C. 10:71-2.2. Applicants must complete any forms required by the CWA; assist the CWA in securing evidence that corroborates his or her statements; and promptly report any change affecting his or her circumstances. N.J.A.C. 10:71-2.2(e). The 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 accurate submission of data; and promptly notify applicants of eligibility or ineligibility. N.J.A.C. 10:71-2.2(c) and (d). CWAs must determine eligibility for Aged cases within 45 days and Blind and Disabled cases within 90 days N.J.A.C. 10:71-2.3(a) and 42 CFR § 435.912. The time frame may be extended when documented exceptional circumstances arise preventing the processing of the application within the prescribed time limits. N.J.A.C. 10:71-2.3(c). The regulations do not require that the CWA grant an extension beyond the designated time period when the delay is due to circumstances outside the control of both the applicant and the CWA. At best, the extension is permissible. N.J.A.C. 10:71-2.3; S.D. v. DMAHS and Bergen County Board of Social Services, No. A-5911-10 (App. Div. February 22, 2013).

Here, a Medicaid application was filed on Petitioner's behalf with the Morris County Office of Temporary Assistance (Morris County) by her Designated Authorized Representative (DAR), Sheri Aiken, on August 19, 2021. R-1 at 20-29. This was Petitioner's second application for Medicaid benefits. By letter dated August 24, 2021, Morris County requested verification of various information related to Petitioner, including documentation regarding payments being made by Petitioner to MetLife, by October 8, 2021. R-1 at 30-32. The letter was received by Ms. Aiken on August 30, 2021. P-17. On September 2, 2021, Ms. Aiken began her attempts to obtain information from MetLife, which involved several phone calls to different divisions. However, MetLife continued to inform her that it had no

policy information related to Petitioner. Ms. Aiken kept in constant contact with Morris County, advising the caseworker assigned to Petitioner's application of the difficulty she was having with obtaining the information that Morris County had requested regarding the MetLife payments. Morris County sent a second letter, dated September 8, 2021, again requesting similar verifications by October 8, 2021. R-1 at 33-35 and P-17.

On October 2, 2021, Ms. Aiken was informed by one of Petitioner's family members that she believed these MetLife payments may have been for an old "medical policy." P-17. With this information, Ms. Aiken contacted MetLife again and was advised that while MetLife had no information related to a policy held by Petitioner, Ms. Aiken should contact Brighthouse Financial (Brighthouse). Ibid. On October 7, 2021, Ms. Aiken was informed by Brighthouse that the policy was a long term care (LTC) policy that was now being administered by Brighthouse. Ibid. However, Ms. Aiken was not able to get any documentation regarding the policy until Power of Attorney (POA) documentation was received and authenticated by Brighthouse. Ibid. Ms. Aiken alleges that she was informed that it would take approximately seven to ten business days for the POA documentation to be reviewed and another seven to ten business days for the requested policy documentation to be mailed. Ibid. Ms. Aiken advised Morris County of this conversation on October 7, 2021 and requested an extension of time to provide a copy of the policy. Ibid. On October 8, 2021, the date the verifications were due, Ms. Aiken uploaded a statement to Morris County stating

Payments to MetLife were for a long term care policy. It is now managed by Bright house Financial at PO Box . . . Lynchburg, VA . . . [Petitioner] had stopped payment for the policy but apparently it is still in effect. The family was under the impression that the policy terminated due to non payment. Policy #LTC. . . . Contact # 1800. . . . It does not have any cash value. Waiting for a copy of the policy to arrive.

P-2. On October 12, 2021, Ms. Aiken spoke with Morris County and asked that Petitioner's application not be denied, and Ms. Aiken alleges that the Morris County caseworker agreed to wait for the policy documentation to be submitted. However, by letter dated October 20, 2021, Morris County denied Petitioner's application for failing to provide the requested verifications. R-1 at 16-19. On October 27, 2021, Ms. Aiken submitted the Brighthouse LTC policy documentations and revised QIT paperwork to Morris County.

The record establishes that Petitioner's representative made substantial and repeated efforts to acquire the requested documentation and kept in on-going communication with Morris County, advising them of what steps have been taken to obtain the requested documentation and additionally, requesting extensions of time when the documentation could not be obtained and supplied by the October 8, 2021 deadline. Moreover, Ms. Aiken advised Morris County by the stated deadline what she had discovered about the policy and contends that she was informed by the Morris County caseworker that the matter would be left open for submission of the requested documentation. While a CWA cannot keep a case opened indefinitely pending the submission of the requested documentation, the record does not show that Morris County advised Ms. Aiken of an extended deadline for submission of the documentation, after she requested an extension to provide the documentation. Given the unique circumstances in this case, the failure to provide the documentation by the timeframe set by Morris County cannot be attributed to any fault of Petitioner or her representative. In fact, the circumstances of this case show that the delay in obtaining the documentation was wholly outside the control of Petitioner and her representative. Accordingly, I concur with the Initial Decision's determination that Petitioner's representatives made a conscientious attempt to timely comply with all of the requests made by Morris County and that their good faith effort to secure and submit the documentation, coupled with the unique circumstances of this situation, as specifically documented by Petitioner's representative, constituted

exceptional circumstances that justified an extension of time in this matter, pursuant to N.J.A.C. 10:71-2.3(c).

Thus, for the reasons set forth above and those contained in the Initial Decision, I hereby ADOPT the Initial Decision's conclusion that Morris County's denial of Petitioner's application be reversed and as such, I am RETURNING this matter to the Morris County to determine whether Petitioner established eligibility.

THEREFORE, it is on this 26th day of August 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED; and

That the matter is hereby RETURNED to the Morris County Office of Temporary Assistance in accordance with this decision.



Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance and Health Services