

This matter arises from the Middlesex County Board of Social Services' (MCBSS) April 11, 2022 denial of Petitioner's Medicaid application for failure to provide verifications, specifically proof of citizenship. On March 30, 2022, Petitioner filed an application for Medicaid benefits with the MCBSS. On the application, Petitioner reported that she was not a United States citizen. On March 31, 2022, MCBSS advised Petitioner that it could not verify her citizenship or immigration status electronically and requested she provide proof of citizenship or qualified immigration status by April 14, 2022. Petitioner did not provide documentation in response to this request, nor did she assert that she was a citizen or a qualified immigrant. Consequently, on April 20, 2022, MCBSS denied her Medicaid application.

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 circumstance. N.J.A.C. 10:71-2.2(e). UCBSS 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). 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); MedCom No. 10-09, and Fed. Reg. 42 CFR 435.91. However, 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 regulation does not require MCBSS to 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, an extension is permissible. N.J.A.C. 10:71-2.3; S.D. vs. DMAHS and Bergen County Board of Social Services, No. A-5911-10

(App. Div. February 22, 2013).


The ALJ found that Petitioner did not provide proof of her immigration status prior to the April 20, 2022 denial letter. The ALJ also found that MCBSS was required to provide Petitioner with a reasonable opportunity period up to 90 ninety days pursuant to 42 CFR 435.956(a)(5). However, 42 CFR 435.956(a)(5) applies only when applicants have made a declaration of citizenship or satisfactory immigration status. Petitioner declared neither. On the contrary, Petitioner's application reflected that she was not a citizen and was in the United States on a passport. Moreover, the record does not show any request for an extension or explanation to MCBSS why the requested documentation could not be provided.

Given Petitioner's lack of response, affirmative statement that she was not a citizen, and failure to declare herself a qualified immigrant, I find that MCBSS had no obligation to keep Petitioner's application open for a minimum of 90 days. Additionally, I find that the record contains no documented exceptional circumstances warranting an extension of time. Accordingly, I FIND that MCBSS correctly denied Petitioner's March 30, 2022 application for failing to provide information necessary to determine eligibility.

THEREFORE, it is on this 18th day of OCTOBER 2022,

ORDERED:

That the Initial Decision is hereby REVERSED.



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