

to determine eligibility. The parties stipulated that the requested verifications were provided on October 25, 2021, more than a month after the denial of the fourth application. Therefore, the issue presented here is not whether Petitioner timely provided the necessary verifications, but whether exceptional circumstances warranted additional time to provide the requested information. Based upon my review of the record, I hereby ADOPT the Initial Decision in its entirety and incorporate the same herein by reference.

County Welfare Agencies (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). I agree with the ALJ that Petitioner has not presented any evidence of exceptional circumstances warranting additional time to process the application.

Additionally, S.Q. v Union Cnty. Bd of Social Serv., OAL Dkt. No. HMA 04202-14 (2014) does not stand for the proposition asserted by Petitioner. Petitioner argues that this case “justifies an extension where an individual child of the applicant has no knowledge of financial accounts and the applicant is suffering from dementia and has made diligent efforts to supply unknown information.” However, in S.Q. the application was returned to the county for further processing because unbeknownst to both parties, Petitioner’s son had timely submitted the requested verification. This did not occur here. Petitioner admittedly did not provide the necessary verifications until after the denial was issued.

Finally, Petitioner argues that he should have been able to self-attest to the source of the verifications requested. The ALJ correctly concludes that 42 CFR § 435.945 (a) and 42

CFR § 435.952(c) permits, but does not require, CWAs to accept self-attestation of information when documentation does not exist at the time of application or is not reasonably available. The information requested by Atlantic County existed at the time of all the applications in question and was reasonably available to the Petitioner, as evidenced by his ability to produce them on October 25, 2021.

THEREFORE, it is on this 5th day of APRIL 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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