



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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JENNIFER LANGER JACOBS
Assistant Commissioner

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

E.P.,

PETITIONER,

v.

UNION COUNTY BOARD OF
SOCIAL SERVICES

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 02481-22

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the documents in evidence. Both Petitioner and Respondent filed exceptions. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is July 5, 2022 in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject or modify the Initial Decision within 45 days of receipt. This Initial Decision in this matter was received on May 18, 2022.

This appeal stems from the Union County Board of Social Services' (UCBSS) November 5, 2021 notice denying Petitioner's Medicaid application for failure to provide documentation necessary to determine eligibility. On or about August 3, 2021, Petitioner filed an application for Medicaid benefits with the UCBSS. On September 1 and October 14, 2021, UCBSS sent Petitioner's Designated Authorized Representative (DAR), Jaclyn Healey, requests for information to verify Petitioner's eligibility. According to the request, the documents were to be provided by October 24, 2021. UCBSS did not receive the requested documents and the matter was denied on November 5, 2021.

Petitioner's representative argued that a response to the October 14, 2021 request was provided, albeit to the wrong email address due to a clerical error, on October 29, 2021. The ALJ held that this clerical error constituted exceptional circumstances and UCBSS should have reconsidered Petitioner's application. However, the October 14th letter requested multiple verifications regarding transactions from Petitioner's Chase bank account #4682, including checks for cash and cash withdrawals disbursed to Petitioner's son, verifications of expenditures paid out to a caregiver, shopping expenses, and transfers to a credit union. Petitioner's response was submitted to the wrong email address five days after the October 24, 2021 due date, and the only attachment was a certification from Petitioner that didn't even name the caretaker for whom she was unable to provide any verifications. Moreover, the information concerning transfers and transactions from Chase bank account #4682 was requested in the September 1, 2021 letter but was not provided, even after receiving an extension, and then was not provided again in response to the October 14, 2021 letter. Instead, Petitioner attempted to respond to this with a certification rather than documentation. Consequently, unlike the ALJ, I am not persuaded that Petitioner was doing everything she could to cooperate with the UCBSS to process her 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). MCOTA 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 UCBSS 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).

Here, it does appear that the documents were inadvertently submitted to the wrong email address. However, they were not submitted to the incorrect address timely. Rather, the response, which consisted of a single certification stating Petitioner was unable to provide any documentation to support the transactions requested by UCBSS, was signed four days after the October 24, 2022 deadline and emailed five days after said deadline. Presumably, this lack of documentation, specifically with regard to the lack of a caregiver agreement, was known to Petitioner upon UCBSS' first request and when Petitioner was granted an extension to provide said information. By the time Petitioner responded on October 29, 2022,

Petitioner's application had been open for 87 days.

While Petitioner's eventually responded to the October 14, 2021 request, the response was neither timely nor particularly responsive. In addition to the lack of care giver agreement or any records pertaining to the caregiver arrangement, Petitioner failed to provide any verification of the owner of account to which some of her funds were transferred. On page five of the Initial Decision, the ALJ acknowledges that the information provided by Petitioner was not entirely responsive and that the CWA may still not have all the information needed to determine eligibility.

At the time of denial, Petitioner's application had been open for 94 days. Had Petitioner's response to the October 14, 2021 request been timely, the clerical error would have warranted a finding of exceptional circumstances and a return to the county for processing. That was not the case here, where the incomplete response was sent to the wrong address after the October 24, 2021 deadline. I FIND no basis for exceptional circumstances warranting another extension of time to consider the document submitted.

THEREFORE, it is on this 1st day of JULY 2022,

ORDERED:

That the Initial Decision is hereby REVERSED.

Carol Grant OBO Jennifer
Langer Jacobs

Digitally signed by Carol Grant OBO
Jennifer Langer Jacobs
Date: 2022.07.01 09:14:19 -04'00'

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