

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 forty-five days and Blind and Disabled cases within ninety days N.J.A.C. 10:71-2.3(a) and 42 CFR § 435.912. The timeframe 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, an 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).

On April 30, 2021, an application for Medicaid benefits was filed on Petitioner's behalf by her Designated Authorized Representative (DAR), Kaila Moses, an employee of the nursing facility where Petitioner resides, with the Camden County Board of Social Services (CCBSS). R-1. On May 18, 2021, CCBSS sent a letter to Petitioner's DAR, requesting verification of certain information that was necessary to process the application. R-3. The requested verifications were due on May 28, 2021. Ibid. On May 27, 2021, the DAR requested an extension of time to submit the requested verifications, as she was having

“trouble compiling the last few things.” R-4. On June 15, 2021, CCBSS issued a second letter to Petitioner’s DAR, requesting the same verifications that were previously requested and advising the DAR that the verifications were due by June 25, 2021. R-5. By letter dated July 7, 2021, CCBSS issued a prospective denial letter to the DAR, advising that Petitioner’s application would be denied, effective July 17, 2021, due to her failure to provide the verifications requested in the May 18, 2021 and June 15, 2021 letters. R-6. On July 16, 2021, the DAR submitted many of the requested verifications; however, she noted that the verifications related to a five-year history on a Vanguard account and proof of purchase from Woodbury Nissan were not included. P-1. The DAR advised that the verifications would be submitted once received. Ibid. As of the date of the hearing, the verifications related to the Vanguard account have not been submitted. ID at 3

The Initial Decision in this matter upheld the denial of Petitioner’s application, and I concur. The requested verifications were initially due by May 28, 2021. CCBSS granted the DAR’s request for an extension of time through its June 15, 2021 letter, thus, providing the DAR with an additional twenty-eight days until June 25, 2021 to submit the requested verifications. The verifications were not received by that date and through CCBSS’s July 7, 2021 letter, the DAR was granted an additional twenty-two days to provide the verifications before the July 17, 2021 prospective denial. However, it is uncontested that the DAR failed to provide all of the requested verifications by that date. CCBSS determined that the verifications requested in its letters were necessary in order to process Petitioner’s application. The failure to provide the requested documentation within the timeframe set forth in the letters appropriately resulted in the denial of Petitioner’s application. There is nothing in the record to reflect that the DAR requested an additional extension of time to provide the requested verifications nor have any exceptional circumstances been presented that would have necessitated an extension of time beyond those already provided by CCBSS in this matter.

Accordingly, for the reasons set forth above and those contained in the Initial Decision, I hereby ADOPT the Initial Decision's conclusion that CCBSS properly denied Petitioner's application.

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

ORDERED:

That the Initial Decision is hereby ADOPTED.



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