

necessary to determine eligibility. Based upon my review of the record, I hereby ADOPT the Initial Decision in its entirety and incorporate the same herein by reference.

The issue presented here is whether Petitioner provided the necessary verifications for the CCBSS to make an eligibility determination. On February 28, 2022, the Petitioner, with the assistance of his attorney, filed a Medicaid application with the CCBSS. On March 10, 2022, CCBSS sent Petitioner a request for additional information necessary to determine eligibility. The information was to be provided by March 24, 2022. CCBSS received no response and no request for additional time to provide the requested documents.

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 CCBSS 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).

Petitioner’s counsel argues that he did not receive the request for information. However, at the hearing CCBSS staff testified regarding their normal mailing process. Specifically, CCBSS Human Service Specialist Vanessa Azcona testified that the pending letter was created from the online portal and that she personally placed it in an envelope and the interoffice mailbox for regular mailing. The ALJ found this testimony to be persuasive and in accordance with the New Jersey Supreme Court case of SSI Medicaid Services, Inc. v. Dept. of Human Services, 146 N.J. 614 (1996) and Lupyan v. Corinthian Colleges, Inc. 761 F.3d 314, 319-320 (3rd Cir. 2014). The ALJ concluded that there was sufficient proof that the March 10, 2022 pending letter was mailed to the Petitioner.

Accordingly, I FIND that CCBSS correctly denied Petitioner's Medicaid application for failing to provide information necessary to determine eligibility.

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

ORDERED:

That the Initial Decision is hereby ADOPTED.



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