

sent an initial letter to Petitioner's DAR, which requested verification of information related to Petitioner. R-4. Petitioner's DAR responded to this request through an undated letter that advised that Petitioner's mobile home had been listed for sale and a listing agreement would be sent as soon as it was received. P-2. The letter also included bank statements for two Santander Bank accounts and the title for the mobile home. Ibid.

OCBSS issued a second letter to Petitioner's DAR on April 29, 2021, requesting additional information, including the payment history from Petitioner's nursing facility, a copy of the current listing agreement for the sale of Petitioner's mobile home, verification of all resources that are solely or jointly-owned by Petitioner, and verification of the following specific transactions from the two aforementioned Santander Bank accounts: (1) check purchase for \$15,292 on September 18, 2017, (2) cash withdrawal of \$2,000 on February 2, 2017, and (3) recurring cash withdrawal for \$202.95, \$302.95, and \$402.95 on April 3, 2017. Ibid. The letter advised that Petitioner needed to provide copies of withdrawals, checks, bills, and receipts for the specific transactions listed and additionally advised that if the recurring transfer made on April 3, 2017 were not recurring charges, a letter from the bank was needed. Ibid. The letter advised that the requested verifications were due by May 10, 2021, and that if the verifications were not received by that date, OCBSS "will take action to deny . . . your Medicaid effective 05/10/21." Ibid.

On May 10, 2021, Petitioner submitted a response to OCBSS's second verification letter, including a Power of Attorney (POA) document showing that C.M. was Petitioner's POA, a certificate of title for the mobile home that was owned by Petitioner, a check in the amount of \$10,000 from S.K. made payable to C.M.; and undated documents signed by C.M. related to the community where the mobile home resides. P-4. No other information was provided related to the disposition of the mobile home. By letter dated May 14, 2021, OCBSS denied Petitioner's application for "Failure to Provide [sic] Verification to Determine Eligibility per our letters dated 03/19/21 & 04/29/21." R-3.

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 45 days and Blind and Disabled cases within 90 days N.J.A.C. 10:71-2.3(a) and 42 CFR § 435.912. 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 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, the 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).

The Initial Decision determined that the appropriateness of OCBSS's denial of Petitioner's application in this matter related solely to whether Petitioner provided sufficient documentation pertaining to the disposition of her mobile home.¹ The Initial Decision upheld the denial of Petitioner's application. I concur. The DAR advised OCBSS in her response to the March 19, 2021 verification letter that Petitioner's "mobile home has been listed for sale and we are awaiting the listing agreement from the listing agent. This will be sent to you as

¹ It appears that the DAR provided documentation related to the other requests in OCBSS's April 29, 2021 verification letter. See P-4. However, it is unclear from the record whether the documentation received was responsive to the requests contained in OCBSS's letter. Nevertheless, it appears that the parties agreed that the outstanding issue related to verification of the sale of Petitioner's mobile home.

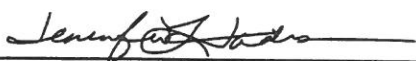
soon as we receive it.” P-2. The April 29, 2021 verification letter specifically requested a copy of the listing agreement that was referenced previously by the DAR. R-4. The DAR failed to provide a copy of the listing agreement or explain why it could not be provided. The DAR supplied, without explanation, documentation related to the sale of the mobile home. Specifically, no explanation was provided regarding anything regarding the transaction, the sale’s price, why the check copy provided was made payable to C.M. in his individual capacity, rather than to Petitioner, who owned the mobile home, or the disposition of the funds received. Once the sale occurred, the funds received became an asset held by Petitioner. The April 29, 2021 verification letter specifically provided that “[a]ny and all pertinent verifications of all resources solely or jointly owned . . . in the last 5 years prior to application” be provided. Ibid. The DAR’s submission does not provide any information related to the funds received aside that a check in the amount of \$10,000 was made payable to C.M. The failure to provide the listing agreement that was specifically requested by OCBSS in its April 29, 2021 verification letter along with the failure to provide any documentation and explanation related to the funds received from the sale, appropriately resulted in the denial of Petitioner’s application.

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

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