

documentation 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 Hudson County to make an eligibility determination. On May 3, 2021, Petitioner, through his Designated Authorized Representative (DAR), filed a Medicaid application with Hudson County. On May 7, 2021, Hudson County requested that the DAR provide information necessary to determine eligibility. Along with other information, Hudson County requested Petitioner provide documentation of the drawdown of Petitioner's funds so that his resources fell within the eligible limits. On May 20, 2021, Hudson County made a second request for the information with all verifications due by May 30, 2021. Petitioner was given another extension, until June 8, 2021 to provide the requested documentation. Petitioner did not provide a complete response and on June 15, 2021, Hudson County denied the application.

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 the CWA 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).

The credible evidence in the record indicates that Petitioners were given two opportunities to provide the requested information. There is no evidence in the record that Petitioner apprised Hudson County of any of the extenuating circumstances testified to at the hearing in a request for an extension of time. Moreover, although Petitioner's representative claims that the difficulty in obtaining documents resulting from problems stemming from

Petitioner's multiple Powers of Attorney (POA), no evidence was presented to establish the POAs, and neither POA appeared at the hearing to testify to their efforts to obtain the requested verifications.

Furthermore, N.J.A.C. 10:71-4.5(c) states that participation in the Medicaid Only program will be denied if the resources of an individual exceed \$2,000. Moreover, resource eligibility is determined as of the first moment of the first day of the month. 20 C.F.R. §416.1207(a) and N.J.A.C. 10:71-4.1(e). It is undisputed that at the time of application Petitioner's resources totaled \$3,344.04. Hudson County notified Petitioner and requested proof that Petitioner had spent down his resources below the \$2,000 limit. Petitioner did not provide any such verification to Hudson County.

I FIND that Petitioner did not provide the requested verifications by the May 30, 2021 deadline or before the issuance of the June 15, 2021 denial notice. Without this information, Hudson County was unable to complete its eligibility determination and the denial was appropriate. Additionally, I FIND that Petitioner's resources exceeded the established \$2,000 limit. The eligibility procedure is clearly set forth in the regulations, and there is simply no provision which permits a relaxation of the eligibility date so long as the countable resources exceed the maximum limit.

THEREFORE, it is on this 12th day of MAY, 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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