

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).

A Medicaid application with the Morris County Office of Temporary Assistance (Morris County) was filed on Petitioner's behalf on October 30, 2021. R-1. On November 4, 2021 and December 21, 2021, Morris County sent letters to Petitioner, requesting verification of certain information that were necessary to process the application. R-2 and R-3. The November 4, 2021 letter provided that the requested verifications were due by November 14, 2021 and that "[i]f you do not have the information requested, send a letter of explanation." R-2. The December 21, 2021 letter provided that the requested verifications were due by December 31, 2021 and again stated that "[i]f you do not have the information requested, send a letter of explanation." R-3. Neither letter advised that the failure to provide the requested verifications could result in the denial of Petitioner's application. The Initial

Decision found that Petitioner had provided all of the requested verifications in these two letters, as the requests were not subsequently requested in the following letter. ID at 2.

On January 31, 2022, Morris County sent a third letter requesting additional verifications by February 14, 2022. The letter again advised that “[i]f you do not have the information requested, send a letter of explanation.” R-4. This letter also did not state that the failure to provide the requested documentation could result in the denial of Petitioner’s application. Ibid. In a letter dated February 10, 2022, Petitioner’s attorney informed the caseworker that he would be out of the country from February 11, 2022 through February 23, 2022 and also provided responses to the requested verifications. With the letter, some documentation was provided; however, in relation to requested verifications related to an Affinity account, Petitioner’s attorney stated he had requested documentation from Affinity and/or Petitioner’s spouse and the documentation would be provided to Morris County upon receipt. However, Petitioner’s attorney did not request an extension of time to provide the requested documentation.

On February 24, 2022, the day after Petitioner’s attorney returned to the United States, he provided the outstanding documentation to Morris County. However, he was informed thereafter that Petitioner’s application had been denied on February 18, 2022 for failing to provide the verifications requested in the January 31, 2022 letter.

The Initial Decision found that Morris County’s denial of Petitioner’s application should be reversed as Petitioner’s representatives showed good faith attempts to comply with Morris County’s requests for verification and were diligent in timely responding to the requests. I concur. While Petitioner’s attorney did not request an extension of time to provide the outstanding verifications, he complied with the January 31, 2022 letter’s directive and provided a letter of explanation to Morris County advising of the attempts being made to obtain the documentation while also providing the documentation that he did have prior to the deadline set forth in the January 31, 2022 letter. Moreover, he advised Morris County

that he would be out of the country through February 23, 2022. As he was out of the country until that time, he would have been unable to submit the documentation he had requested from Affinity until he returned. Once he returned, he submitted the requested documentation to Morris County the following day. I further note that none of the three verification letters issued in this matter advised the applicant that his application could be denied if the documentation was not submitted prior to the deadlines specified in the letters.

Accordingly, for the reasons set forth above and those contained in the Initial Decision, I hereby ADOPT the Initial Decision and RETURN the matter to Morris County to review the documentation submitted by Petitioner's representatives on February 24, 2022 and determine whether eligibility has been established.

THEREFORE, it is on this 17th day of AUGUST 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED; and

That the matter is hereby RETURNED to Morris County in accordance with this decision.



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