



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
PO Box 712
TRENTON, NJ 08625-0712

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SARAH ADELMAN
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES

T.T.,
PETITIONER,
v.
MONMOUTH COUNTY DIVISION
OF SOCIAL SERVICES,
RESPONDENTS.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 01534-21

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the Office of Administrative Law (OAL) case file and the documents filed below. Neither party filed exceptions to the Initial Decision in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is January 23, 2023 in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of the agency's receipt. The Initial Decision in this case was received on October 25, 2002.

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

This matter arises from Monmouth County's denial of Petitioner's Medicaid application because she failed to provide verifications necessary to determine eligibility. N.J.A.C. 10:71-2.2. The determination was appealed by Petitioner's son. However, the Petitioner passed away in January 2021. Petitioner's previously acted as Petitioner's Designated Authorized Representative (DAR), but that authorization ceased upon Petitioner's death. L.M. v. Division of Med. Assistance & Health Servs., Dkt. No. A-6014-17T1, 2020 N.J. Super. Unpub. LEXIS 791 (App. Div. April 30, 2020) and M.F. v. Div. of Med. Assistance & Health Servs., No. A-2254-17T2, 2019 N.J. Super. Unpub. LEXIS 733 (Super. Ct. App. Div. Apr. 1, 2019). See also E.D. v. DMAHS, HMA 05284-18, Final Decision, (September 4, 2018) and G.C. v. DMAHS, HMA 03582-19, Order on Remand, (October 24, 2019).

Petitioner's son represented to the court that he was trying to open Petitioner's estate. However, Petitioner's son has not obtained letters of administration. The OAL emailed the parties on four occasions between February 2022 and May 2022 regarding the status of representation of Petitioner's estate. On September 1, 2022, the OAL again inquired as to the status of the matter and notified Petitioner that the matter would be dismissed if no response was received within ten days. There was no response on behalf of the Petitioner. As a result, the Initial Decision dismisses the case, finding the Petitioner abandoned the case and that the DAR lacked standing to proceed.

I FIND that the DAR designation ended upon Petitioner's death and nothing in the record shows that the DAR received a new authorization from Petitioner's estate to continue the appeal. Thus, I FIND that the Initial Decision correctly dismisses the appeal.

THEREFORE, it is on this day of January 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.

A handwritten signature in cursive script, reading "Jennifer Langer Jacobs", enclosed within a rectangular box.

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