

Morris County Office of Temporary Assistance (Morris County) sent a letter to Petitioner stating that they were no longer eligible because Petitioner failed to provide requested renewal information. (R-3). This letter stated that the coverage end date would be April 30, 2024, and that if Morris County did not receive the information within 90 days from the coverage end date, Petitioner would have to reapply. Within those 90 days, on April 8, 2024, Petitioner submitted the form requesting a fair hearing on the termination of benefits for failure to provide requested documents issue and provided the documents Morris County had requested. Subsequently, Morris County reviewed the supplied documents and determined that Petitioner was over the resource limit. It does not appear that Morris County rescinded the termination letter dated March 28, 2024, thereby making the fair hearing request on that issue moot. Morris County did issue a new determination letter related to Petitioner being over the resource limit. (R-7). On April 22, 2024, the fair hearing packet was transmitted by this Agency to the OAL and all parties, which resulted in the OAL scheduling the fair hearing in this matter. This transmittal letter stated that the issue to be determined by the OAL was whether Petitioner failed to provide requested verifications. The fair hearing in this matter should have focused on Morris County's determination that Petitioner failed to provide requested verifications. Instead, it focused on the determination that Petitioner was over the resource limit, which ultimately was the only outstanding issue as Petitioner had provided the missing documents within the 90-day timeframe.

Administrative agencies have the discretion to determine whether a case is contested. N.J.S.A. 52:14f-7(a). The OAL acquires jurisdiction over a matter after it has been determined to be a contested case by an agency head. N.J.A.C. 1:1-3.2(a). A contested case is commenced in the State agency with appropriate subject matter

jurisdiction. N.J.A.C. 1:1-3.1. DMAHS is the administrative agency within the Department of Human Services (DHS) that is charged with administering the Medicaid program. N.J.S.A. 30:4D-4.

Ordinarily, when an Administrative Law Judge mistakenly commences a fair hearing on an issue that has not been transmitted by this agency to the OAL, the Initial Decision is Reversed, and the matter is Remanded back to the OAL for a fair hearing consistent with the issue listed on the transmitting document. Here, it appears the issue listed on the transmittal is now moot, as Petitioner has provided the missing documents which resulted in a new determination by Morris County. Therefore, there is no need to remand the matter back to the OAL for a hearing on the failure to provide issue.

An action is moot when a decision that is being sought in a particular matter will have no practical effect on the existing controversy. In re Conroy, 109 N.J. Super. 453, 458 (App. Div. 1983). Issues that have become moot are improper subjects for judicial review. Anderson v. Sills, 143 N.J. Super. 432, 437-438 (Ch. Div. 1976) (“[F]or reasons of judicial economy and restraint, courts will not decide cases in which the issue is hypothetical, a judgment cannot grant effective relief, or the parties do not have concrete adversity of interest.”).

As previously noted, on April 15, 2024, Morris County sent Petitioner an eligibility determination letter which stated they were over the program resource limit. (R-7). This letter contained language informing Petitioner of their right to request a fair hearing on this determination, if they did not agree with the decision. Petitioner did not request a fair hearing after receiving the April 15, 2024, eligibility determination letter.

Accordingly, based on the record before me and for the reasons set forth above, I

hereby REVERSE the Initial Decision as the issue presented under docket number HMA 05705-2024 was not the issue heard by the Administrative Law Judge during the fair hearing and DISMISS the matter as moot.

THEREFORE, it is on this 26th day of NOVEMBER 2024,

ORDERED:

That the Initial Decision is hereby REVERSED; and

That the appeal is DISMISSED as the matter is moot.

Gregory Woods

Gregory Woods, Assistant Commissioner
Division of Medical Assistance and Health Services