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Lt. Governor

**State of New Jersey**  
**DEPARTMENT OF HUMAN SERVICES**  
Division of Medical Assistance and Health  
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Commissioner

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Assistant Commissioner

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

C.C.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE :

AND HEALTH SERVICES AND :

UNION COUNTY BOARD OF :

SOCIAL SERVICES, :

RESPONDENTS. :

**ADMINISTRATIVE ACTION**

**ORDER OF RETURN**

**OAL DKT. NO. HMA 10445-23**

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. Respondent, Union County Board of Social Services (Union County) filed exceptions. Procedurally, the time period for the Agency Head to render a Final Agency Decision is May 23, 2024, in accordance with an

Order of Extension.

In the present matter, Petitioner filed an application for Medicaid Managed Long Term Services and Support (MLTSS) on December 28, 2022 which was denied on February 27, 2023 for failure to provide necessary documentation.<sup>1</sup> Specifically, by way of a letter dated February 27, 2023 Union County advised Petitioner that Medicaid Eligibility was denied "Effective Date: 02/27/23". (R-3).

Petitioner then submitted a second Medicaid application on February 28, 2023, which Union County considered a duplicate and did not process. On June 2, 2023, after learning that Union County did not process the second application, Petitioner filed a third application which was approved. The Administrative Law Judge (ALJ) determined that the second application was not a duplicate because the effective disposition of the first application occurred on February 27, 2023, when the denial letter was issued. Therefore, the second application filed the following day, February 28, 2023, should have been processed and Petitioner's Medicaid eligibility date established accordingly.

In their exceptions Union County argues that the February 28, 2023 application was a duplicate application as supervisory review and final approval of the denial did not occur until March 6, 2023. Union County further argues that while the denial letter is dated February 27, 2023 it was not mailed to Petitioner until March 6, 2023.

Pursuant to N.J.A.C. 10:71-2.3(b)(2) the date of effective disposition, in the case of a denied application is defined as the "date on which written notification informing the applicant of his or her lack of eligibility and the reason therefor is sent to him or her." In

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<sup>1</sup> Prior to Petitioner's denial, Union County provided Petitioner with Request for Information (RFI) letters dated January 17, 2023 and February 9, 2023. The February 9, 2023 had a production deadline of February 27, 2023. (R-1, R-2).

the present matter, the denial letter mailed to Petitioner includes a date of February 27, 2023 and specifies an effective date of February 27, 2023. Therefore, in accordance with N.J.A.C. 10:71-2.3(b)(2), the date of effective disposition is February 27, 2023. Furthermore, as per the testimony and corresponding e-mail communications, during a February 27, 2023 telephone call between Petitioner's Designated Authorized Representative (DAR) and the Union County case worker, Petitioner's DAR was verbally informed of the denial on February 27, 2023. This verbal notification prompted the filing of the second application the following day. (R-4).

Thus, in accordance with the above cited regulation and for the reasons set forth in the Initial Decision and set forth above, I hereby ADOPT the Initial Decision's conclusion that the February 28, 2023 application should have been processed and as such, I am RETURNING this matter to Union County to process the application and determine eligibility accordingly.

THEREFORE, it is on this 23rd day of MAY 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED.

*Gregory Woods*

OBO JLJ

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