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Assistant Commissioner

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

E.S.,

PETITIONER,

v.

OCEAN COUNTY BOARD OF
SOCIAL SERVICES,

RESPONDENTS.

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ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 10574-23

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is August 15, 2024, in accordance with an Order of Extension.

This matter arises from the Ocean County Board of Social Services' (OCBSS) September 19, 2023 denial of Petitioner's Medicaid application for failure to provide documentation necessary to determine eligibility.

Both the County Welfare Agency (CWA) and the applicant have responsibilities with regard to the application process. N.J.A.C. 10:71-2.2. Applicants must complete any forms 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).

Here, Petitioner through his counsel Yale S. Hauptman, Esq. filed three Medicaid applications.¹ However, only the second application filed on June 29, 2023 is the subject of this appeal. R-1. On July 10, 2023, OCBSS sent a letter requesting additional information necessary to determine Petitioner's eligibility. R-2. More specifically, OCBSS requested the following: 1) proof of an established Qualified Income Trust, 2) VA Aid and Attendance pension information and 3) investments and banking identifying the source of two transactions of \$5,386.38 on March 19, 2018 and \$40,009.86 made on October 2,

¹ The first application filed on March 29, 2023 was denied for failure to provide bank documentation requested on April 28, 2023. The third application filed on December 20, 2023, was approved with an effective date of September 2023.

2019.² R-2, P-A. Petitioner was to provide the requested information by July 24, 2023.³ R-2, P-A.

On September 19, 2023, OCBSS denied Petitioner's application for failure to provide documentation necessary to determine eligibility, as requested at the time of application on June 29, 2023, and by letter dated July 10, 2023. R-3.

The Initial Decision upheld the denial finding that Petitioner failed to provide the information requested on July 10, 2023, and despite documented efforts to comply with the request made by OCBSS, Petitioner failed to produce information that would provide OCBSS with required information to determine eligibility. The Initial Decision also determined that Petitioner failed to provide any regulation or case law that would allow for an extension of the retroactive effective date imposed by OCBSS beyond three months prior to the date of Petitioner's third application, therefore Petitioner failed to meet his burden that an earlier date is warranted.⁴ I concur, however, the only issue in this matter is whether Petitioner provided all documentation needed to determine eligibility. In fact, this appeal does not involve any question of an imposed eligibility date because Petitioner's application was denied for failure to provide all requested documentation prior to the July 24, 2023 deadline. Throughout its review, OCBSS specifically advised what documentation was necessary to process Petitioner's application and determine eligibility. Without the requested documentation, OCBSS could not make a determination related to Petitioner's eligibility and appropriately denied Petitioner's application.

² P refers to Petitioner's exhibits.

³ The only items that remained outstanding when Petitioner's application was denied was the source of bank information for transactions made on March 19, 2018 and October 2, 2019.

⁴ Any challenge to the effective date of September 2023 is not relevant to the current matter and should have been raised in connection with Petitioner's third application, which had been approved.

Here, counsel has been aware since July 10, 2023, when the Request for Information was issued that information relating to Petitioner's investments and banking sources were necessary for OCBSS to evaluate Petitioner's application for eligibility. R-2. In a letter dated June 30, 2023, counsel acknowledges that there were issues identifying the source of two transactions in the amounts of \$5,386.38 and \$40,009.86 which, to date, still have not been provided to OCBSS.⁵ P-E. In response, OCBSS informed Petitioner that they were unable to identify other accounts, and if these accounts did not belong to Petitioner, the bank should provide a statement. R-2. On July 17, 2023, Petitioner was provided with a form used by OCBSS to obtain additional banking information. P-F. According to the evidence submitted, Petitioner did not provide OCBSS with the completed form for further consideration. Ibid.

OCBSS held open Petitioner's application for approximately 82 days. The Medicaid application is the first point of contact with the receiving agency wherein Petitioner is instructed to provide all financial and relevant documentation. Petitioner, through his counsel, did not fulfill the request made by OCBSS in his submission. Petitioner did not make a request for an extension with regard to the June 2023 application, and no exceptional circumstances existed in this matter that would have necessitated such an extension. OCBSS complied with federal and state regulations, and was not required to obtain Petitioner's banking information or obtain copies of records directly from a financial institution. N.J.A.C. 10:71-4.2(b)(3); C.F.J. v. DMAHS and Hudson County Board of Social Services, A-4385-16T4 (App. Div. December 11, 2018).

Accordingly, for the reasons set forth above and those contained in the Initial Decision, I hereby ADOPT the Initial Decision, and FIND that OCBSS's denial of

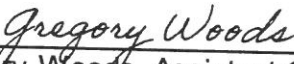
⁵ On December 27, 2023, Petitioner provided tax transcripts that provided OCBSS with enough information to approve Petitioner's third Medicaid application with a retroactive date of September 2023.

Petitioner's June 29, 2023 application was appropriate in this matter. Any finding related to the effective date of Medicaid resulting from the approval of the third application is improper as the subject matter of this appeal relates only to the second Medicaid application.

THEREFORE, it is on this 14th day of AUGUST 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED as set forth above.



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