



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 12337-23

E.E.

Petitioner,

v.

MERCER COUNTY BOARD OF
SOCIAL SERVICES

Respondent.

Medicaid Only

Failure to Verify Eligibility Appeal

N.J.A.C. 10:71-2.2 and -2.3

STATEMENT OF THE CASE

Respondent denied petitioner's Medicaid Only application for failure to provide the following evidence of eligibility under N.J.A.C. 10:71-2.2(e):

Petitioner's October 3, 2023, application was denied on October 30, 2023, as the Board determined that petitioner failed to provide requested information required to determine eligibility in a timely manner. The Board's October 4, 2023, Request for Information (RFI) requested that petitioner provide Qualified Income Trust (QIT) "bank statements from 6/1-9/30/23; QIT Documentation properly completed including Schedule A." The QIT was the only outstanding item at the time of the denial. (See Joint Stipulations of Facts ¶¶ 16-18; Exhibits J 16-18.)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I.

- ☒ I **FIND** that petitioner or petitioner's representative is **AUTHORIZED** to pursue this appeal; therefore, I **CONCLUDE** that standing is established.
- ☐ I **FIND** that petitioner or petitioner's representative is **NOT AUTHORIZED** to pursue this appeal; therefore, I **CONCLUDE** that standing is not been established.

II.

- ☒ I **FIND** that petitioner did not timely provide all the required documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a), and that no exceptional circumstances exist under N.J.A.C. 10:71-2.3(c); therefore, I **CONCLUDE** that the Medicaid Only application must be **DENIED** under N.J.A.C. 10:71-2.2(e).
- ☐ I **FIND** that petitioner did not timely provide all the required documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a), but that exceptional circumstances exist under N.J.A.C. 10:71-2.3(c); therefore, I **CONCLUDE** that the time limit for verification must be **EXTENDED** under N.J.A.C. 10:71-2.3(c).
- ☐ I **FIND** that petitioner did not timely provide all the required documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a); exceptional circumstances exist under N.J.A.C. 10:71-2.3(c); and petitioner has since provided all the required documentation; therefore, I **CONCLUDE** that the Medicaid Only application must be **PROCESSED** to determine eligibility under N.J.A.C. 10:71.
- ☐ I **FIND** that petitioner timely provided all the required documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a); therefore, I **CONCLUDE** that the Medicaid Only application must be **PROCESSED** to determine eligibility under N.J.A.C. 10:71.

ADDITIONAL FINDINGS OF FACT/CONCLUSIONS OF LAW

The Joint Stipulation of Facts submitted by the parties, and attached to this decision, are hereby **FOUND** as **FACT**.

I **FIND** that the QIT submitted with the October 3, 2023, application does not meet the eligibility criteria.

I **FIND** that the petitioner failed to submit a QIT that meets the eligibility criteria in response to the October 4, 2023, RFI.

ORDER

I **ORDER** that:

- ☐ Petitioner's appeal is **DISMISSED** because petitioner has no standing.
- ☒ Petitioner is **INELIGIBLE** for Medicaid Only under N.J.A.C. 10:71-2.2(e).
- ☐ Respondent must **EXTEND** the time limit for verification under N.J.A.C. 10:71-2.3(c).
- ☐ The case be **RETURNED** to respondent for respondent to **PROCESS** the application to determine eligibility under N.J.A.C. 10:71.

I **FILE** this initial decision with the **ASSISTANT COMMISSIONER OF THE DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**. This recommended decision is deemed adopted as the final agency decision under 42 U.S.C. § 1396a(e)(14)(A) and N.J.S.A. 52:14B-10(f). The **ASSISTANT COMMISSIONER OF THE DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES** cannot reject or modify this decision.

If you disagree with this decision, you have the right to seek judicial review under New Jersey Court Rule 2:2-3 by the Appellate Division, Superior Court of New Jersey, Richard J. Hughes Complex, PO Box 006, Trenton, New Jersey 08625. A request for judicial review must be made within 45 days from the date you receive this decision. If you have any questions about an appeal to the Appellate Division, you may call (609) 815-2950.

10/21/2024

DATE



Jacob S. Gertsman

, ALJ

Date Record Closed:

10/10/2024

Date Filed with Agency:

Date Sent to Parties:

APPENDIX

Witnesses

For Petitioner:

Leah Hellman, Designated Authorized Representative

For Respondent:

Sheree McGowan, Mercer County Board of Social Services

EXHIBITS

Joint

- J-1 E.E.'s first application for the NJ Family Care Aged, Blind, Disabled Program
- J-2 First Application's Request For Information (or "RFI")
- J-3 First Application's Adverse Action Letter
- J-4 E.E.'s second application for the NJ Family Care Aged, Blind, Disabled Program
- J-5 Second Application's RFI
- J-6 Second Application's Adverse Action Letter
- J-7 E.E.'s Third application for the NJ Family Care Aged, Blind, Disabled Program
- J-8 Third Application's RFI
- J-9 Third Application's Adverse Action Letter
- J-10 E.E.'s Fourth application for the NJ Family Care Aged, Blind, Disabled Program
- J-11 Fourth Application's RFI
- J-12 Fourth Application's Adverse Action Letter
- J-13 E.E.'s Fifth application for the NJ Family Care Aged, Blind, Disabled Program
- J-14 Fifth Application's RFI
- J-15 Fifth Application's Adverse Action Letter
- J-16 E.E.'s Sixth application for the NJ Family Care Aged, Blind, Disabled Program
- J-17 Sixth Application's RFI
- J-18 Sixth Application's Adverse Action Letter
- J-19 E.E.'s Seventh application for the NJ Family Care Aged, Blind, Disabled Program
- J-20 Seventh Application's RFI
- J-21 Seventh Application's Letter granting eligibility
- J-22 The Division of Medical Assistance and Health Services Qualified Income Trust Template, also available at https://www.nj.gov/humanservices/dmahs/clients/Qualified_Income_Trust_Template.pdf
- J-23 The first version of The E.E. Irrevocable Income Trust provided to Respondent in May 2023
- J-24 The redrafted E.E. Irrevocable Qualified Income Trust, provided to Respondent in November 2023