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DEPARTMENT OF HUMAN SERVICES
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Lt. Governor

JENNIFER LANGER JACOBS
Assistant Commissioner

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

E.T.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	ORDER OF REMAND
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 13087-2023
	:	
AND HEALTH SERVICES AND	:	
	:	
PASSAIC COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

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. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is June 3, 2024, in accordance with an Order of Extension.

This matter arises from the termination of Petitioner's Medicaid due to Petitioner's failure to provide information that was necessary to determine eligibility. On June 15, 2023, Passaic County Board of Social Services (Passaic County) sent a letter to Petitioner stating that they were no longer eligible because Petitioner failed to provide

requested renewal information. On July 3, 2023, Petitioner submitted the form requesting a Fair Hearing. Subsequently, Petitioner submitted another application with Passaic County which resulted in a determination by Passaic County that Petitioner was over the income limit. Petitioner was informed of this by letter dated August 29, 2023, and on September 1, 2023, Petitioner requested a Fair Hearing on this new determination. The two pending Fair Hearings appear to have caused some confusion between the parties and the Court. The Fair Hearing in this matter should have focused on Passaic County's determination that Petitioner failed to provide requested verifications. Instead, it focused on the determination that Petitioner was over the income limit, which was transmitted to the Office of Administrative Law (OAL) under docket no. HMA 09756-2023. The fair hearing for the over the income limit matter was scheduled for December 4, 2023, and rescheduled for December 18, 2023, and Petitioner failed to appear for both hearings. Docket no. HMA 09756-2023 was closed by the OAL as a Failure to Appear and returned to the transmitting agency, which closed the file on January 2, 2024.

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.


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 13087-2023 was not the issue heard by the Administrative Law Judge during the fair hearing and REMAND the matter to OAL to be properly considered.

THEREFORE, it is on this 28th day of MAY 2024,

ORDERED:

That the Initial Decision is hereby REVERSED; and

That the matter is REMANDED to OAL for testimony and findings as set forth above.



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