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

F.R.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MONMOUTH COUNTY DIVISION

OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 07300-23

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Office of Administrative Law (OAL) case file, the documents in evidence, and the Initial Decision in this matter. Neither party filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is April 15, 2024 in accordance with an Order of Extension.

This matter arises from the Monmouth County Division of Social Services' (Monmouth County) July 24, 2023 denial of Petitioner's Medicaid application for failure to provide information necessary to determine eligibility. (R-10.) The issue presented here is whether Petitioner timely provided the necessary verification for Monmouth County to make an eligibility determination.

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 circumstance. 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); MedComm No. 10-09, and Fed. Reg. 42 CFR § 435.91. 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).

Here, Petitioner, through their designated authorized representative (DAR), applied for Medicaid benefits with Monmouth County on May 16, 2023¹. (R-1.) On June 28, 2023, Monmouth County sent a request for information (RFI) seeking Petitioner to

¹ May 16, 2023 application was Petitioner's third Medicaid application. On October 2, 2022, Petitioner submitted the first application and was denied on November 28, 2022 due to failure to provide and/or over resource. On February 28, 2023, Petitioner submitted the second application and was denied on April 21, 2023 due to failure to provide and /or over resource.

provide the following information before July 12, 2023: 1) the explanation of missing \$7,649.24 from the HUD statement;² 2) complete statement from Kearney account ending in # 1909 from April 1, 2023 to present; 3) the quarterly statements from Way 2Go Alimony account from opening to present; 4) spend down proof from Wells Fargo account ending in # 0777; 5) verification of assets and resources whether solely or jointly owned by Petitioner's spouse; quarterly bank statements for all accounts opened or closed from October 1, 2017 to March 1, 2019; 6) verification all large deposits and withdrawals or transfers; 7) Coventry First life insurance cash surrender value spend down verification; and 8) verification of all large withdrawals and deposits or transfers that went to Petitioner's bank account of \$1000 or more. (R-2.) On July 21, 2023, Petitioner's DAR provided a partial response to the Monmouth County's request. On July 24, 2023, Monmouth County denied Petitioner's application for failure to provide the requested verification. Petitioner filed an appeal of the denial. The matter was transferred to the Office of Administrative Law (OAL) as a contested case. The matter was heard on November 30, 2023. The record was closed on December 26, 2023.

The Initial Decision upheld the denial. The Administrative Law Judge (ALJ) found that Monmouth County's request for Petitioner's ex-husband's bank account, including stocks, bonds, IRAs, annuities, promissory notes, trusts, and life estates was appropriate. The ALJ also found that Petitioner did not provide Monmouth County with complete information regarding their assets and income to permit Monmouth County to process their Medicaid application. I agree.

² Petitioner provided proof of ½ portion of what they received after selling their house (\$27,089.98), however, the HUD statement shows the house was sold for \$70,078.48, which half of Petitioner's portion was \$35,039.25.

Here, Monmouth County requested Petitioner provide information to process the application. Petitioner's DAR provided some of the requested documents on July 21, 2023. However, Petitioner's DAR failed to provide all the requested information before July 12, 2023. When verification was not provided as set forth below, Monmouth County denied Petitioner's May 16, 2023 application on July 24, 2023.

First, regarding the explanation of missing \$7,649.24, Petitioner's DAR provided a letter from Petitioner claiming that \$7,649.24 was used to pay the attorney fee without any proof. (R-6.)

Regarding the Way 2 Go Alimony account, Petitioner's DAR did not explain how monthly alimony was received and spent. According to the divorce decree, Petitioner receives alimony of \$600 per month. (R-3.)

Regarding the life insurance policy, Petitioner's DAR provided a letter from Coventry Life Insurance identifying the cash surrender value of \$4,243.56. (R-7.) However, on July 12, 2023, Petitioner's DAR provided conflicting documentation stating that the policy was purchased for \$21,000 subject to a \$17,797 policy loan, which results in a cash surrender value of \$3,203.

Finally, regarding the deposits, Petitioner's DAR provided an explanation from Petitioner's Wells Fargo bank account during the five-year look-back-period; however, as the ALJ found there is no evidence to support all the transactions. Monmouth County specifically requested for verification of any transaction for \$1000 or more.

At the hearing, the ALJ found that Petitioner's DAR credibly testified that they tried to obtain the requested documents from Petitioner's ex-husband but he refused to cooperate. (ID at page 6.) However, the ALJ also found that the Petitioner's DAR did not provide a letter from the Coral Harbor Business Officer stating that Petitioner's ex-husband refused to cooperate until August 14, 2023 after the application was denied. (R-

12) (b). The ALJ found there was no proof that the DAR contacted Monmouth County prior to the July 12, 2023 due date noted in the RFI to explain the challenges encountered with the ex-husband even though this is the third application for Medicaid benefits filed on behalf of Petitioner. It is not disputed that Petitioner did not provide the requested information to Monmouth County as requested in the RFI. As a result, Petitioner's May 16, 2023 application was incomplete and this missing information provided the basis for the July 24, 2023 denial of that application.


Based on the record before me, I hereby ADOPT the Initial Decision in its entirety and incorporate the same herein by reference. Petitioner's DAR has presented no evidence that they had provided all the requested information to Monmouth County at the time of the denial. Without this information, Monmouth County was unable to complete Petitioner's eligibility determination and the denial was appropriate.

Thus, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this 10th day of APRIL 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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