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Assistant Commissioner

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

M.M.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MIDDLESEX COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

ORDER OF REMAND

OAL DKT. NO. HMA 00437-2023

OAL DKT. NO. HMA 07717-2022

(CONSOLIDATED)

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 case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is May 16, 2024, in accordance with an Order of Extension.

This consolidated matter¹ arises from the denial of Petitioner's second Medicaid application dated June 30, 2022 for failure to provide information that was necessary to

¹ By Order dated February 14, 2024, docket numbers HMA 07717-2022 and HMA 00437-2024 were consolidated.

determine eligibility.² While the Initial Decision states that this matter relates to Petitioner's second and third Medicaid applications, no appeal related to Petitioner's third Medicaid application was filed with the transmitting agency nor was such appeal transmitted to the OAL for a fair hearing. Therefore, the determination related to Petitioner's third Medicaid application should not have been the subject of this hearing. The denial notices at issue in this matter are dated August 15, 2022, which was docketed by the OAL under docket number HMA 07717-2022, and November 12, 2023, which was docketed by the OAL under docket number HMA 00437-2023. It appears that the Administrative Law Judge (ALJ) incorrectly attributed docket number HMA 07717-2022 to both the August 15, 2022 and November 12, 2023 notices and docket number HMA 00437-2023 to a September 21, 2022 denial notice that was never appealed by Petitioner. 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.

² Petitioner's first application for Medicaid benefits was filed on January 24, 2022 and was denied as a result of Petitioner's failure to provide timely information that was necessary to determine eligibility. That determination was appealed, but was subsequently dismissed on or about December 8, 2022 due to Petitioner's failure to appear at the scheduled hearing. Petitioner filed a second application for Medicaid benefits on June 30, 2022, which was originally denied on August 15, 2022 for being over income and failing to provide requested verifications. Petitioner appealed that determination and prior the hearing in that matter, Middlesex County rescinded that denial and agreed to reevaluate Petitioner's June 30, 2022 application. On November 12, 2023, Middlesex County again denied Petitioner's June 30, 2022 application for failing to provide requested verifications. These denials form the basis for the consolidate appeal at issue. Petitioner filed a third application for Medicaid benefits on or about August 31, 2022. Middlesex County denied that application on September 21, 2022. That denial was not appealed; however, it was discussed and included at the underlying hearing and Initial Decision in this matter. The parties also agree that on November 30, 2023, Petitioner filed a fourth Medicaid application, which, at the time of the hearing in this matter, was still pending with Middlesex County.

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. Here, the denial notices at issue were dated August 15, 2022 and November 12, 2022. As the September 21, 2022 denial notice was never appealed, it was not deemed a contested case by DMAHS and was not the proper subject to of this matter. Accordingly, I REVERSE the Initial Decision's findings as it relates to the September 21, 2022 denial of Petitioner's August 31, 2022 Medicaid application, as it does not form the basis for either appeal under docket numbers HMA 07717-2022 or HMA 00437-2023 and was not transmitted to the OAL for a fair hearing.

Moreover, docket number HMA 07717-2022 relates to the August 15, 2022 denial of Petitioner's June 30, 2022 application. After a conference call with the parties on or about October 13, 2022, this denial was rescinded by the Middlesex County Board of Social Services (Middlesex County), stating "[w]e agree the information that the case was denied for was not asked for and so the [B]oard will be re-evaluating this application." P1 at Ex. J. As this August 15, 2022 denial was rescinded and Middlesex County reopened Petitioner's June 30, 2022 application, this matter should have been closed as moot and returned to the transmitting agency. An action is moot when a decision that is being sought in a particular matter will have no practical effect on the existing controversy. In re Conroy, 109 N.J. Super. 453, 458 (App. Div. 1983)). Issues that have become moot are improper subjects for judicial review. Anderson v. Sills, 143 N.J. Super. 432, 437-438 (Ch. Div. 1976) ("[F]or reasons of judicial economy and restraint, courts will not decide cases in which the issue is hypothetical, a judgment cannot grant effective relief, or the parties do not have concrete adversity of interest."). Here, the August 15, 2022 notice was rescinded, as Middlesex County conceded that it made a mistake in processing Petitioner's application. Middlesex County then reopened Petitioner's June 30, 2022

application and issued a subsequent denial notice based upon its reassessment of that application. That denial notice was issued on November 12, 2022 and forms the basis for the appeal filed under docket number HMA 00437-2023. Accordingly, I REVERSE the Initial Decision's findings as it relates to the appeal of the August 15, 2022 denial notice under HMA 07712-2022 as that matter is now MOOT and should be DISMISSED.

As it relates to the disposition of Petitioner's June 30, 2022 Medicaid application, the Initial Decision finds that "the purported QIT established on October 25, 2021 . . . was not a QIT at all, and therefore [Petitioner]'s income was not excludable for Medicaid purposes under the 'QIT.'" However, this is not the issue that needed to be decided in this matter. The issue is whether Petitioner's June 30, 2022 Medicaid application that was denied on November 12, 2022 due to Petitioner's failure to provide requested documentation was appropriate. On November 12, 2022, Middlesex County, upon reconsideration of Petitioner's June 30, 2022 application, issued a denial notice stating that Petitioner failed to provide corroboratory evidence of the initial \$14,500 deposit to Chase account #3900, as that account had been listed as the purported QIT on the first Schedule A that was provided to Middlesex County. The denial notice additionally stated that Petitioner failed to provide documentation related to eight checks issued from Chase account #3900 that were issued on April 4, 2020. P1 at 4; R1 at Ex. C. The Initial Decision makes no findings as to whether Petitioner timely provided the outstanding documentation. Accordingly, I REVERSE the Initial Decision's findings in relation to the November 12, 2022 denial of Petitioner's June 30, 2022 Medicaid application, and REMAND the matter solely to determine whether Petitioner timely supplied the outstanding documentation requested by Middlesex County and whether the November 12, 2022 denial of Petitioner's application was appropriate, as a result of Petitioner's failure to supply documentation that was deemed necessary to determine eligibility.

THEREFORE, it is on this 16th day of MAY 2024,

ORDERED:

That the Initial Decision is hereby REVERSED and REMANDED, as set forth herein.

Gregory Woods

OBO JLJ

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