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Assistant Commissioner

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

P.P.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
ATLANTIC COUNTY
DEPARTMENT OF FAMILY AND
COMMUNITY DEVELOPMENT,
RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 02156-2024

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 July 26, 2024 pursuant to an Order of Extension.

This matter arises from the January 4, 2024 denial of Petitioner's Medicaid Only application due to the failure to provide information that was necessary to determine eligibility. The Initial Decision affirmed the denial finding that Petitioner failed to provide the requested verifications in a timely manner. Based upon my review of the record, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ) holding that Petitioner failed to timely comply with producing evidence to corroborate program 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, on November 28, 2023, Petitioner's Designated Authorized Representative (DAR) filed a Medicaid Only application on Petitioner's behalf with the Atlantic County Department of Family and Community Development (Atlantic County). (R-1, P2-11).¹ On November 30, 2023, Atlantic County requested verification of various information related to Petitioner that was necessary to process Petitioner's application. (R-1, P14-18). Specifically, Atlantic County requested that Petitioner provide the following (1) Clarification on prior residence(s); (2) Clarification on burial arrangements; (3) Clarification Power of Attorney paperwork; (4) Clarification on prior living arrangements; (5) Bank accounts/statements back to November 2018 with copies of all checks and non-electronic payments over \$500 including (a) WSFS savings account #1082 statements from January 2023 to present, (b) WSFS savings account #6055 statement from January 2023 to present, (c) Bank of America account statement from January 2023 to present; (6) Deposit Slip/check copies for mobile deposits: May 28, 2020; October 23, 2020; September 2, 2020; October 5, 2022; December 2, 2022; and December 7, 2022. The various information was due to Atlantic County by December 14, 2023. (R-1, P14-18).

A second RFI was sent to Petitioner on December 13, 2023, with a response due date of December 27, 2023. Thereafter, on December 14, 2023, Petitioner's DAR

¹ Petitioner submitted a second application which was received by Atlantic County on January 25, 2024. The second application was approved for January 1, 2024 with retro benefits granted back to October 1, 2023.

submitted some of the requested information and a request for an extension to obtain copies of the checks and deposit slips. (P-4). Having received insufficient responses to the RFI requests, Atlantic County issued a January 4, 2024 denial letter. (R-1, P12-13). Specifically, outstanding at the time of denial were (1) WSFS account #1082 February 2023 statement, April 2023 statement and June 2023 statement; (2) WSFS account 6055 February 2023 statement and September 2023 statement and (3) copies of checks as listed on the December 13 2023, RFI.

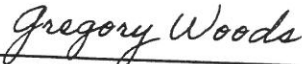
I agree with the ALJ's findings that Petitioner failed to timely provide required documentation and no exceptional circumstances were found to justify a further extension. While the DAR testified to difficulties obtaining requested bank document and delays related to holidays, no specific details regarding communications with banks or documentation on the information gathering process was provided. Further, no documentation of extenuating circumstances warranting a further extension was provided. Consequently, Petitioner's Medicaid application was appropriately denied.

Accordingly, for the reasons set forth above, I hereby ADOPT the Initial Decision and FIND that Atlantic County's denial of Petitioner's application was appropriate in this matter.

THEREFORE, it is on this 19th day of JULY 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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