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Assistant Commissioner

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

R.C.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE :

AND HEALTH SERVICES AND :

CUMBERLAND COUNTY BOARD :

OF SOCIAL SERVICES, :

RESPONDENTS. :

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 00428-2024

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. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision is July 8, 2024, in accordance with an Order of Extension.

This matter arises from the Cumberland County Board of Social Services' (Cumberland County) December 20, 2023 denial of Petitioner's Medicaid application for failure to provide documentation necessary to determine eligibility. A Fair Hearing was

held and an Initial Decision was entered on April 8, 2024, affirming Cumberland County's denial of Petitioner's application.

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 and 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 forty-five days and Blind and Disabled cases within ninety days. N.J.A.C. 10:71-2.3(a) and 42 CFR § 435.912. The timeframe 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, an 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).

In the present matter, Petitioner, through their Designated Authorized Representative (DAR), filed a Medicaid application for Petitioner on September 29, 2023. R-1 at 1. After reviewing the application, Cumberland County sent a Request for Information letter to the DAR for Petitioner on October 4, 2023. R-1 at 13. Included in the request for information letter were the following:

1. CENTURY CHECKING ACCTS ENDING IN (3465 & 3473)

- A. Provide quarterly statements for both accounts from 9/1/18 through 3/1/23. If there is a balance difference between quarters, you must provide all statements in that quarter. Include copies of all deposit slips & checks cleared
 - B. Provide all statements from 4/1/23 thru present including copies of all deposit slips & checks cleared
 - C. Provide documentation of all transactions over \$2000
- R-1 at 14.

The request for information letter had a due date of October 18, 2023. R-1 at 13.

On October 18, 2023, the DAR responded to the request with some, but not all of the documents requested. P-1 at 9-10. In this same email the DAR requests an extension of time to supply "missing statements." Ibid. On October 27, 2023, Cumberland County's reply to the DAR states:

I am in receipt of your 10/18/23 email. I did not have a chance to review. However, the look back for client is 9/1/18 – 9/1/23; so quarterly statements from 9/1/18 – 3/1/23 were due and all exact statements from 4/1/23 – to present. Any transaction \$2000 and over must be verified and provide proof such as copy of checks, deposits and withdrawal slips. Also verification of where money went or came from.

P-1 at 9.

On October 31, 2023 and November 1, 2023, the DAR provided additional statements to Cumberland County. P-1 at 8. On November 6, 2023, the DAR reached back out to Cumberland County to confirm if all of the statements she provided were reviewed and if any additional information was needed. P-1 at 8. On November 9, 2023, Cumberland County responded by saying that they would reach out to the DAR if anything else was needed. P-1 at 7. A few more emails went back and forth between the parties where the DAR was asking for updates on the case status and Cumberland County would respond. P-1 at 5-6.

Ultimately, on December 20, 2023, Cumberland County denied Petitioner's application as Petitioner failed to provide the Century bank statements (3473) from 7/1/23 – 9/1/23. R-1 at 9. Petitioner argues that the denial was unjust because the DAR believed that due to the emails exchanged between her and Cumberland County, the Agency would reach out to her if anything else was needed. ID at 1. Additionally, that Cumberland County failed to assist Petitioner in the process. ID at 2. It should be noted that on October 4, 2023, Cumberland County contacted Century and attempted to obtain the bank statements. R-1 at 21-22.

The Initial Decision stated that there was no dispute that Cumberland County requested the Century account statements in the request for information letter dated October 4, 2023. ID at 2. Additionally, Cumberland County reminded the DAR what was needed in the email dated October 27, 2023. Ibid. The Administrative Law Judge (ALJ) stated that Cumberland County provided ample time for the DAR to provide the missing bank statements and the DAR never advised Cumberland County of any unusual or difficult circumstances in acquiring the statements. Ibid. Therefore, the ALJ found that Petitioner did not timely provide all of the required documentation requested and that Cumberland County correctly denied Petitioner's application. Ibid.

I agree. I FIND that Cumberland County properly denied Petitioner's application for failing to provide verifications necessary to determine Petitioner's eligibility for Medicaid. The Century account statements were clearly requested and Petitioner failed to provide them. Importantly, the DAR never informed Cumberland County of any unusual or difficult circumstance in acquiring the statements. I acknowledge the email that Cumberland County sent the DAR on November 29th that stated they would let the DAR know if anything else was needed, was potentially ambiguous and would have

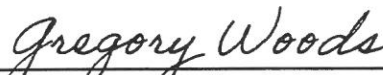
benefitted from greater clarity. However, given the overall factual context of this case, that email does not negate the request for information letter sent on October 4th.

Thus, based on the record before me and for the reasons enumerated above, I hereby ADOPT the Initial Decision and FIND that the denial of Petitioner's application was appropriate.

THEREFORE, it is on this 5th day of JULY, 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED.

A handwritten signature in cursive script that reads "Gregory Woods".

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