



## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

### **I.**

- ☒ I **FIND** that petitioner or petitioner's representative is **AUTHORIZED** to pursue this appeal; therefore, I **CONCLUDE** that standing is established.
- ☐ I **FIND** that petitioner or petitioner's representative is **NOT AUTHORIZED** to pursue this appeal; therefore, I **CONCLUDE** that standing is not been established.

### **II.**

- ☐ I **FIND** that petitioner did not timely provide all the required documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a), and that no exceptional circumstances exist under N.J.A.C. 10:71-2.3(c); therefore, I **CONCLUDE** that the Medicaid Only application must be **DENIED** under N.J.A.C. 10:71-2.2(e).
- ☒ I **FIND** that petitioner did not timely provide all the required documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a), but that exceptional circumstances exist under N.J.A.C. 10:71-2.3(c); therefore, I **CONCLUDE** that the time limit for verification must be **EXTENDED** under N.J.A.C. 10:71-2.3(c).
- ☐ I **FIND** that petitioner did not timely provide all the required documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a); exceptional circumstances exist under N.J.A.C. 10:71-2.3(c); and petitioner has since provided all the required documentation; therefore, I **CONCLUDE** that the Medicaid Only application must be **PROCESSED** to determine eligibility under N.J.A.C. 10:71.
- ☐ I **FIND** that petitioner timely provided all the required documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a); therefore, I **CONCLUDE** that the Medicaid Only application must be **PROCESSED** to determine eligibility under N.J.A.C. 10:71.

### **ADDITIONAL FINDINGS OF FACT/CONCLUSIONS OF LAW**

N.J.A.C. 10:71-2.3(c)4 allows for exceptions where the proper processing of an application cannot be completed within the 45 day period due to circumstances "wholly outside the control of both the applicant and [county welfare agency]." Here, Ms. Aviles testified that she was aware the pension letter was coming from South Korea. She also testified that she received the DAR's letter stating that she had requested the document but had no control over when she would receive it. Ms. Aviles was unable to refute that the DAR had taken all reasonable steps to procure the pension letter. Thus, I **FIND** obtaining a letter from an overseas company constitutes an exceptional circumstance warranting additional time. The 2023 pension letter was acquired after the due date.

**ORDER**

I **ORDER** that:

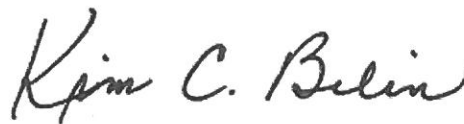
- ☐ Petitioner's appeal is **DISMISSED** because petitioner has no standing.
- ☐ Petitioner is **INELIGIBLE** for Medicaid Only under N.J.A.C. 10:71-2.2(e).
- ☒ Respondent must **EXTEND** the time limit for verification under N.J.A.C. 10:71-2.3(c).
- ☒ The case be **RETURNED** to respondent for respondent to **PROCESS** the application to determine eligibility under N.J.A.C. 10:71.

I **FILE** this initial decision with the **ASSISTANT COMMISSIONER OF THE DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**. This recommended decision is deemed adopted as the final agency decision under 42 U.S.C. § 1396a(e)(14)(A) and N.J.S.A. 52:14B-10(f). The **ASSISTANT COMMISSIONER OF THE DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES** cannot reject or modify this decision.

If you disagree with this decision, you have the right to seek judicial review under New Jersey Court Rule 2:2-3 by the Appellate Division, Superior Court of New Jersey, Richard J. Hughes Complex, PO Box 006, Trenton, New Jersey 08625. A request for judicial review must be made within 45 days from the date you receive this decision. If you have any questions about an appeal to the Appellate Division, you may call (609) 815-2950.

09/18/2024

DATE



Kim C. Belin

, ALJ

Date Record Closed:

09/06/2024

Date Filed with Agency:

Date Sent to Parties:

**APPENDIX**

**Witnesses**

**For Petitioner:**

Chaya Weinberger

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**For Respondent:**

Maria Aviles

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**Exhibits**

**For Petitioner:**

P1-P20 Medicaid Application dated September 27, 2023

P21 Fax cover sheet for bank statements dated February 5, 2024

P22 Fax cover sheet for requested documents dated December 12, 2023

P23 Letter dated February 5, 2024

P24 Remittance Guidelines for Veterans Compensation

P25 Letter from Steve Yim and DAR (undated)

P26-P30 Bank Statement and checks

P31-P160 Fax cover sheet dated December 12, 2023 with bank statements

P161-P162 Fax cover sheet dated February 7, 2024 with letter dated February 7, 2024

P163-P164 Denial letter dated February 7, 2024

P165-P170 Request for Information dated January 22, 2024

P171 Certificate of Patriots and Veterans Pension dated March 12, 2024

**For Respondent:**

R1 Medicaid Application dated September 27, 2023

R2 Denial letter dated February 7, 2024

R3 Regulation and Medical Communication 22-04 dated March 3, 2022

R4 Request for Information dated January 22, 2024

R5 Designation of Authorized Representative Form dated September 27, 2023

R6 TD Bank statement dated May 18, 2023 to June 17, 2023

R7 Letter dated February 5, 2024

R8 Conversion of South Korean Won to US Dollar and 2022 Pension letter