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Commissioner

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Assistant Commissioner

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

A.M.

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

BERGEN COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

ORDER OF REMAND

OAL DKT. NO. HMA 09162-24

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. Exceptions were not filed by either party in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is February 20, 2025, in accordance with an Order of Extension.

This matter arises from the Bergen County Board of Social Services' (Bergen County) May 29, 2024, denial of Petitioner's Medicaid application for Petitioner already

having NJ FamilyCare health coverage. The May 29, 2024, denial letter also listed Petitioner's daughter, V.D., as being denied for failure to provide documentation necessary to determine eligibility. Petitioner submitted to DMAHS paperwork requesting a Fair Hearing. DMAHS transmitted Petitioner's denial for already having NJ FamilyCare to OAL for a hearing but neglected to also transmit Petitioner's appeal of V.D.'s denial for "failure to provide." Nonetheless, a Fair Hearing was held on the "failure to provide" issue, and an Initial Decision was entered on November 22, 2024, affirming Bergen County's denial of Petitioner's application.

As Petitioner, A.M., was denied for already having NJ FamilyCare health coverage, and not for failure to provide documentation. However, the fair hearing addressed the merits of V.D.'s denial and not the merits of Petitioner's denial. Petitioner's fair hearing should have been addressed the denial for Petitioner already having NJ FamilyCare health coverage.

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. 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.

Accordingly, based on the record before me and for the reasons set forth above, I hereby REVERSE the Initial Decision as the issue presented under docket number HMA 09162-2024 was not the issue heard by the Administrative Law Judge during the fair hearing and REMAND the matter to OAL to be properly considered. Additionally, DMAHS will transmit to the OAL Petitioner's request for a fair hearing for the denial of V.D.'s

application for failure to provide documentation necessary to determine eligibility, with a request that both matters be scheduled together for judicial economy and to reduce the inconvenience to Petitioner.

THEREFORE, it is on this 19th day of FEBRUARY, 2025,

ORDERED:

That the Initial Decision is hereby REVERSED; and

That the matter is REMANDED to OAL for testimony and findings as set forth above.

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