



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. HMA 01798-25

AGENCY DKT. NO. N/A

B.S.,

Petitioner,

v.

**MORRIS COUNTY DHS, OFFICE OF
TEMPORARY ASSISTANCE,**

Respondent.

S.S., daughter for Petitioner **B.S.,**

Maira Rogers, Fair Hearing Liaison, for respondent pursuant to N.J.A.C. 1:1-
5.4(a)3

Record Closed: March 20, 2025

Decided: August 6, 2025

BEFORE **ANDREW M. BARON,** ALJ

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner seeks coverage under the New Jersey MLTSS Medicaid program for institutional and community-based services. The Division denied her application based on failure to provide paperwork in a timely manner. Her appeal was timely filed and transmitted to the Office of Administrative Law.

FACTUAL DISCUSSION AND FINDING OF FACTS

S.S., petitioner's daughter, testified for B.S. and Maira Rogers testified for the Division.

Upon application in August 2024, petitioner was denied due to failure to provide documents. With the Covid emergency ended, the Division now only sends one Verification, although in this case, as Ms. Rogers pointed out, two were sent. and if the applicant fails to send a complete package, the Division is within its rights to deny the application.

Although I **FIND** that petitioner's daughter substantially complied with the requested information, the information supplied was still insufficient and therefore the denial of services should be **AFFIRMED**.

LEGAL ANALYSIS AND CONCLUSION

In this matter, the only dispute is whether the Division correctly determined that petitioner was not eligible for benefits due to failure to complete paperwork. Such a determination is governed by N.J.A.C. 10:71-2.2, Denial of Eligibility due to Non-Cooperation, and N.J.A.C. 10:71-2.3 Subsequent Refusal to Comply. Both provisions address situations where applicants refuse to comply with Division requests for information. However, it is important to observe here that the same provisions also allow under certain circumstances for the Division to extend the time to provide requested documents that are difficult to obtain **and** also permit the agency to assist a petitioner in securing those documents when an applicant is unable or does not know how to secure such information.

This, however, is not a refusal case, as Petitioner's daughter who is a credible witness, testified that she substantially complied with the Division's requests, but with the takeover of Lakeland Bank by Provident Bank, she was unable to secure all of the bank statements and did not know she could request a letter from the takeover bank that the older statements were not available,

N.J.A.C 10:71-2.2 authorizes a county board of social services to establish a cutoff date for submission, and while a county board has discretion to extend a deadline for submission, it is nonetheless entitled to determine when sufficient time has passed, and make a determination based on the information that was supplied, whether it is complete or not. See: N.V. v. DMAHS and Gloucester Cty. Bd. of Social Services, OAL DKT. No. HMA 01201 16, 2016 N.J. AGEN. LEXIS, 140 (Initial Decision March 17, 2016), see also: M.B. v. Ocean County Board of Social Services, OAL DKT. No. HMA 14682-15. N.J. AGEN.LEXIS 758 Initial Decision (December 22, 2015).

The agency is charged with requiring the applicant to complete forms and secure evidence that corroborates the statement of applicants and to report any changes that impact an applicant's financial situation. Normally the process is supposed to be completed in forty-five (45) days. However, the agency has discretion to extend the time to respond, as well as assist a petitioner who is having trouble securing the necessary documents. Due to high volume, and an extensive backlog, the agency has now limited its time to wait after sending out one written request. If it does not hear back in ten days or a petitioner fails to ask for more time, the matter is closed.

In this case, under the circumstances described, **I CONCLUDE** that the Division should have given petitioner's representatives additional time to secure the requested information.

Here, petitioner, through her Power of Attorney indicated that they substantially complied with the Division requests, but due to B.S.'s medical condition could not get her cooperation, and the Division though it was not obligated to do so, it did not offer to give them more time to secure the additional documents, I must **CONCLUDE** that the denial should be **AFFIRMED**

ORDER

Based on the foregoing it is hereby **ORDERED** that the decision of the agency to deny petitioner's application for benefits is hereby **AFFIRMED**.

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.

August 6, 2025

DATE



ANDREW M. BARON, ALJ

Date Record Closed:

August 6, 2025

Date Filed with Agency:

August 6, 2025

E-Mailed to Parties:

August 6, 2025

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APPENDIX

Witnesses

For Petitioner:

S.S.

For Respondent:

Maira Rodgers

Exhibits

Petitioner

P-1 Letter and package

Respondent

R-1 Division Package