



an Initial Decision was entered on January 28, 2025, reversing Middlesex 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;

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S.D. v. DMAHS and Bergen County Board of Social Services, No. A-5911-10 (App. Div. February 22, 2013).

Medicaid Communication No. 10-09 (November 24, 2010), also addresses the processing of Medicaid applications and provides in pertinent part:

If additional verifications are needed and the applicant or their representative does not respond to the worker's request after a time period, as specified by the Agency, an additional request for information must be sent informing the applicant of what documentation is still needed in order to determine their eligibility. This letter will also inform the applicant or their

representative that if the information is not received within the specified time period from the receipt of the request, the case will be denied.

It should be understood that exceptional circumstances can arise in determining eligibility for Medicaid. Therefore, if the applicant or their representative continues to cooperate in good faith with the Agency, an extension of the time limit may be permitted. These exceptional circumstances shall be documented in the case record.

If the applicant or their representative continues to fail to provide the requested information, or fails to act within the spirit of cooperation, a denial letter with applicable New Jersey Administrative Code citations must be sent to the applicant.

In the present matter, Petitioner filed a Medicaid application. After reviewing the application, Middlesex County sent a Request for Information letter to Petitioner's representative on February 12, 2024, with information to be provided by February 26, 2024. R-1, Exhibit C. Petitioner provided all requested information. ID at 1. After reviewing the information provided by Petitioner, Middlesex County found some information was missing on the bank statements that were provided. Ibid. Middlesex County did not send a Request for Information letter to Petitioner outlining what additional information they needed to determine Petitioner's eligibility. Ibid. The representative for Petitioner had been in continuous contact with Middlesex County throughout the application review process. ID at 2. On October 17, 2024, Middlesex County denied ~~Petitioner's application for failure to provided requested information in a timely manner.~~ R-1, Exhibit B.

Based on the information above, the Administrative Law Judge disagreed with Middlesex County and found that Middlesex County failed to send Petitioner a new Request for Information letter as required pursuant to Medicaid Communication No. 10-09 and that Petitioner did not receive any written communications from Middlesex County despite being in contact with Middlesex County. ID at 2. I agree. There is no evidence in the record that, after Middlesex County reviewed all of the documents Petitioner

supplied, they informed Petitioner's representative of any additional documents they needed to make a determination. A new Request for Information letter should have been sent by Middlesex County. This letter should have informed Petitioner's representative that if the information was not received within the specified time period from the receipt of the request, the case would be denied. Additionally, it is clear from the email correspondence contained in P-1, Exhibit A, that Petitioner's representative was in constant contact with Middlesex County and participating in good faith.

Thus, based on the record before me and for the reasons enumerated above, I hereby ADOPT the Initial Decision and RETURN the matter to Middlesex County to process the application to determine eligibility.

THEREFORE, it is on this 9th day of MARCH, 2025,

ORDERED:

That the Initial Decision is hereby ADOPTED; and

That the matter is RETURNED to Middlesex County.

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

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