



PHILIP D. MURPHY  
Governor

TAHESHA L. WAY  
Lt. Governor

**State of New Jersey**  
**DEPARTMENT OF HUMAN SERVICES**  
Division of Medical Assistance and Health Services  
P.O. Box 712  
Trenton, NJ 08625-0712

SARAH ADELMAN  
Commissioner

GREGORY WOODS  
Assistant Commissioner

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

M.M.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

BERGEN COUNTY

BOARD OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 12641-24

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. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is February 20, 2025.

This matter arises from the May 31, 2024, termination of Petitioner's Aged, Blind and Disabled (ABD) Medicaid application due to the failure to provide information that

was necessary to determine eligibility. The Initial Decision affirmed the termination finding that Petitioner failed to provide the requested verifications in a timely manner. Based upon my review of the record, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ) holding that Petitioner failed to timely comply with producing evidence to corroborate program eligibility.

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 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 45 days and Blind and Disabled cases within 90 days. N.J.A.C. 10:71-2.3(a) and 42 CFR § 435.912. The time frame 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, the 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).

Further, the eligibility worker shall review all eligibility factors in accordance with the provisions set forth in N.J.A.C. 10:71-3, 4, and 5. N.J.A.C. 10:71-8.1(b)(2) and particular attention shall be directed to identification of any changes in resources and income. Ibid. Resource eligibility is determined as of the first moment of the first day of each month. N.J.A.C. 10:71-4.1(e). If an individual or couple is resource ineligible as of the first moment of the first day of the month, subsequent changes within that month in the amount of countable resources will not affect the original determination of ineligibility. Ibid. If resource eligibility is established as of the first moment of the first day of the month, resource eligibility is established for the entire month regardless of any increase in the amount of countable resources. Ibid. This policy applies equally to individuals and couples in the month of application. N.J.A.C. 10:71-4.1(e)(1). Regardless of the date of application, resource eligibility is determined as of the first moment of the first day of that month. Ibid.

Here, on December 11, 2023, Petitioner filed an ABD Medicaid application with the Bergen County Board of Social Services (Bergen County). (R-1). On January 29, 2024, Bergen County requested verification of various information related to Petitioner that was necessary to process Petitioner's application. (R-1). Specifically, Bergen County requested that Petitioner provide the following: Proof of Marital Status or Self Statement; and Balances for 12/01/2023 from all bank accounts (yours and spouse.) (R-1). The various information was due to Bergen County by February 12, 2024. (R-1). In response, Petitioner supplied a marriage certificate and one TD Bank statement for the period starting December 12, 2023. The TD Bank statement provided notes the statement period of December 12, 2023- January 11, 2024. (R-1).

At the OAL hearing, Petitioner testified that the Board requested a significant amount of information, which he provided in full and had copies of the documents available to fax. However, when given the opportunity to fax or email the TD Bank statements, Petitioner did not do so. (ID at 4).

I agree with the ALJ's findings that Petitioner failed to timely provide the required documentation, and no exceptional circumstances were found to justify a further extension. Specifically, Bergen County only received one TD Bank statement, for the period starting December 12, 2023, and therefore was unable to determine resource eligibility as of the first moment of the first day of December. At the OAL hearing, Petitioner was given an additional opportunity to provide the TD Bank statements as of the first of the month but did not follow through. Consequently, the Petitioner's Medicaid application was appropriately terminated.

Accordingly, for the reasons set forth above, I hereby ADOPT the Initial Decision and FIND that Bergen County's termination of Petitioner's application was appropriate in this matter.

THEREFORE, it is on this 12th day of FEBRUARY 2025,

ORDERED:

That the Initial Decision is hereby ADOPTED.

*Gregory Woods*

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