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

M.S.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MIDDLESEX COUNTY BOARD

OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 08107-24

(ON REMAND HMA 10630-23)

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. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision is January 9, 2025, in accordance with an Order of Extension.

This matter arises from the Middlesex County Board of Social Services' (Middlesex County) September 6, 2023, denial of Petitioner's Medicaid application for failure to provide documentation necessary to determine eligibility. A Fair Hearing was held on February 16, 2024, and an Initial Decision was entered on March 8, 2024, reversing

Middlesex County's denial of Petitioner's application. After receiving the Initial Decision, DMAHS reversed and remanded the matter back to the OAL for further testimony and findings. On September 18, 2024, additional testimony was taken and the record was closed. An Initial Decision was entered on October 9, 2024, affirming Middlesex County's denial of Petitioner's Medicaid 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 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; S.D. v. DMAHS and Bergen County Board of Social Services, No. A-5911-10 (App. Div. February 22, 2013).

In the present matter, Petitioner, through their attorney, filed a Medicaid application dated March 1, 2023, with Middlesex County. R-1. On March 6, 2023, Middlesex County

sent Petitioner a request for information letter. (R-6). On April 3, 2023, Middlesex County sent Petitioner a second request for information letter. (R-5). On June 15, 2023, Middlesex County sent Petitioner a third request for information letter. (R-4). It appears Petitioner substantially complied with these requests. ID at 3-5. On August 14, 2023, Middlesex County sent Petitioner a request for information letter with a deadline of August 28, 2023, seeking the following:

1. Verification of the attached list of deposits into Bank of America checking account #6674. Deposit transactions from this account will need to be verified with the following: Check images for checks deposited, deposit slips for cash deposits along with a written explanation detailing source of funds. \*Explanation was submitted on 4/14/23, but verification is needed.
  2. TD Ameritrade account no. XXXXX3630 statements for 1/1/2023-2/28/23;
  3. Provide credit-card statements for the following accounts verifying the owner; Capital One, Discover, Chase, Chase Freedom, Walmart, Lowes, LL Bean, Victoria's Secret, Bank of America – two cards, Rutgers Federal Credit Union;
  4. Provide the five-year history (3/1/2018-2/28/2023) of PayPal account, showing transactions and balances;
  5. Verify the type of policy Mid Century Insurance is;
    - a. Life insurance: Current 2023 face value and cash surrender value. Statement also has to include company name, policy number, owner of policy;
    - b. Car insurance: Car insurance bill;
    - c. Health insurance: Copy of premium statement and copy of cards.
- (R-3).

The August 14, 2023, request for information included both new and outstanding information. ID at 6. When Middlesex County did not receive a response before the deadline, they denied Petitioner's application on September 6, 2023. Ibid.

The letter brief dated October 26, 2023, submitted prior to the initial Fair Hearing by the attorney for Petitioner and marked as Exhibit P-1, stated that there must have been a delay in the United States Postal Service delivering the mail because the attorney did not receive the August 14, 2023 letter until September 11, 2023. The letter brief goes on to state that counsel contacted the caseworker and Medicaid Supervisor for Middlesex County and Middlesex County declined to rescind the denial.

The March 8, 2024 Initial Decision found that Petitioner did not timely respond to the August 14, 2023 request for information letter but that exceptional circumstances existed under N.J.A.C. 10:71-2.3(c) that required Middlesex County to extend the time limit for Petitioner to respond. In addition to relying on the information provided in Petitioner's letter brief, the Administrative Law Judge (ALJ) stated that Petitioner's behavior of substantially complying with the previous request for information letters, along with Petitioner contacting Middlesex County the day after allegedly receiving the new letter, all help prove the letter was delivered late.

On June 6, 2024, DMAHS issued an Order of Remand in this matter stating that there was no legally competent evidence in the record to support the Administrative Law Judge's findings that exceptional circumstances existed requiring an extension of time. There were no witnesses presented at the Fair Hearing for Petitioner. Additionally, there were no exhibits admitted into evidence during the Fair Hearing related to the August 14, 2023 request for information letter and Petitioner's failure to respond to it. DMAHS reversed the Initial Decision and remanded the matter back to OAL to further develop the record related to the August 14, 2023 request for information letter and the circumstances surrounding Petitioner's failure to respond to it.

After hearing further testimony during the remand proceeding, the ALJ found that Petitioner did not prove by a preponderance of the credible evidence that Petitioner timely

provided all the required documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a), nor did Petitioner prove that exceptional circumstances exist under N.J.A.C. 10:71-2.3(c). ID at 11-12. The October 9, 2024 Initial Decision affirmed Middlesex County's decision to deny Petitioner's March 1, 2023 application. ID at 12. I agree.

For the reasons set forth in the October 9, 2024 Initial Decision and set forth above, I hereby ADOPT the October 9, 2024 Initial Decision in this matter as Petitioner did not provide all necessary documents in a timely manner nor did Petitioner prove that exceptional circumstances exist.

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

ORDERED:

That the Initial Decision is hereby ADOPTED.

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

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