



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

CHRIS CHRISTIE
Governor

P.O. Box 712
Trenton, NJ 08625-0712

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

MEGHAN DAVEY
Director

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

D.C.

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
BURLINGTON COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 06870-17

As the Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, consisting of the Initial Decision, the documents in evidence and the entire contents of the OAL file. Neither Petitioner nor Respondent filed Exceptions. Procedurally, the time period for the Agency

Head to render a Final Agency Decision is December 17, 2017 in accordance with an Order of Extension. The Initial Decision in this case was received on September 18, 2017.

This matter arises from the Burlington County Board of Social Services (BCBSS) April 25, 2017 denial letter for failure to timely provide information necessary to determine eligibility and excess resources. On September 29, 2015, Petitioner, through her attorney, filed an application for Medicaid benefits with the (BCBSS). On June 30, 2016 and March 29, 2017, BCBSS requested information from Petitioner in connection with her application. Specifically, BCBSS requested bank statements for Wells Fargo Account #1108 and Bank of America (BOA) account #3358.¹ On April 12, 2017, Petitioner's attorney wrote to BCBSS and acknowledged that they had not provided checks and proof of counter-credit deposits associated with the Wells Fargo account. The letter also acknowledged providing proof of the opening deposit of the Special Needs Trust BOA account #3358, but nothing more regarding that account. Petitioner asked for an additional week, until April 21, 2017, to provide the still outstanding documentation. Petitioner did not provide the missing information, and on April 25, 2017, BCBSS issued a written determination notifying Petitioner of its decision to deny Petitioner's application for failure to provide the outstanding information, citing N.J.A.C. 10:71-2.2(d) 1,2,3.

County Welfare Agencies (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); MedCom No. 10-09, and Fed. Reg. 42 CFR 435.91. The time

¹ Although the record does not contain other requests for information, Petitioner's correspondence suggests there were several requests. (R23-29) I can only assume that these requests were made part of the record because they were the only requests pertaining to account information from Wells Fargo and BOA.

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 regulation does not require BCBSS to grant an extension beyond the designated time period. At best, an extension is permissible. N.J.A.C. 10:71-2.3; S.D. vs. DMAHS and Bergen County Board of Social Services, No. A-5911-10 (App. Div. February 22, 2013). The ALJ noted that the circumstances were exceptional and therefore required additional time to process Petitioner's application. He also noted that BCBSS should have provided additional time to Petitioner to provide the outstanding documentation. In fact, BCBSS did provide Petitioner with additional time.

Petitioner's April 12, 2017 letter and request for an extension of time demonstrates she was aware that BCBSS required Wells-Fargo checks 152, 154 and 155 and proofs of counter-deposits prior to BCBSS' denial. In the letter, Petitioner's attorney sets the date by which she feels she will be able to supply the missing information, April 21, 2017. No additional requests for extension of time were made and no additional documentation was provided prior to the BCBSS denial, which came four days after Petitioner's self-imposed deadline.

Although Petitioner's attorney argues that she provided copies of the checks to BCBSS on April 13, 2017 under cover of the April 12, 2017 letter sent the day before, there is no documentary evidence to support this position. Rather, Petitioner's documentation shows that she provided the Wells Fargo and BOA accounts to BCBSS on July 13, 2017, almost three months after the April 25, 2017 denial.

I FIND that the credible evidence in the record demonstrates that Petitioner failed to provide the needed information prior to the April 25, 2017

denial of benefits. Without this information, the County was unable to complete its eligibility determination and the denial was appropriate.

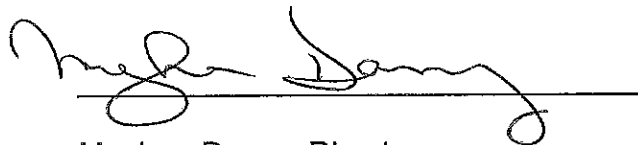
Furthermore, I FIND that the April 25, 2017 determination notice issued by BCBSS sufficiently sets forth the action the agency is taking, the reasons for the action it is taking and the specific statutory references that support the proposed action.

Based on my review of the record and for the reasons set forth above, I hereby REVERSE the Initial Decision and reinstate BCBSS' denial.

THEREFORE, it is on this ¹¹ day of DECEMBER 2017,

ORDERED:

That the Initial Decision is hereby REVERSED.

A handwritten signature in dark ink, appearing to read "Meghan Davey", is written over a horizontal line.

Meghan Davey, Director
Division of Medical Assistance
and Health Services