



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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JENNIFER LANGER JACOBS
Assistant Commissioner

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

D.L.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

ATLANTIC COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 2054-2019

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. Petitioner filed exceptions in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is September 19, 2019 in accordance with an Order of Extension.

The matter arises regarding the denial of Petitioner's Medicaid application due to the failure to provide information regarding a Wells Fargo bank account that was titled in his name as well as another individual. Petitioner applied in August of 2018. Atlantic County had received one statement from that account that showed a large deposit and subsequent

withdrawal of the funds. They sought information about the account from August of 2013 through the date the account was closed. ID at 7. This information is not contained in any accessible electronic database. Atlantic County extended the deadline to produce the information until January 10, 2019. R-1 at 20. When no information was provided, Atlantic County denied Petitioner's application by letter dated January 25, 2019. Petitioner requested a fair hearing and the matter was transmitted to OAL.

The Initial Decision upholds the denial and I concur. 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 circumstance. N.J.A.C. 10:71-2.2(e).

The record does not contain any proof that Petitioner sought information regarding the account until after the denial letter was issued. Petitioner provided phone records that show calls to Wells Fargo beginning in April 2019. P-6. By that time the first hearing had been scheduled and adjourned. Wells Fargo eventually provided information about the account and, after reviewing Petitioner's claim of identity theft, determined that Petitioner did not open the account or have knowledge of it. P-2. However, Petitioner's testimony at the hearing made it clear that he was friends with N.F., the joint owner of the account, and was godfather to N.F.'s son. ID at 6. Moreover, Petitioner was aware that N.F. wanted to open an account for his son and put Petitioner's name on the account so he could access the funds.

As the ALJ noted, that identify theft would have been considered an exceptional circumstance that would have warranted additional time for Petitioner to provide the information regarding the Wells Fargo account. However, Petitioner knew N.F. and was aware that N.F. intended to put his name on the bank account to permit him access to the funds. This was not conveyed to Atlantic County until after the denial letter. ID at 10.

The issues Petitioner raises in exceptions were largely covered in the Initial Decision. Petitioner's claim that he did not have knowledge of the Wells Fargo account is belied by the fact that he was advised that N.F. was opening an account and that Petitioner would have access to the account. To the extent Petitioner had any problem with reviewing his file, the issue is his failure to produce documentation about the bank account which was not in his file. Petitioner did not present evidence that he asked for additional time or that he told Atlantic County that he knew N.F. and the reason for being on the account until the fair hearing process. As the Initial Decision noted, there was no evidence that Petitioner sought information from N.F. about the account.

THEREFORE, it is on this ^{18th} day of SEPTEMBER 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance
and Health Services