



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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TRENTON, NJ 08625-0712

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Commissioner

JENNIFER LANGER JACOBS
Director

December 4, 2019

Kurt Schwartz, Clerk
Office of Administrative Law
33 Washington Street
Newark, NJ 07102

Re: E.A. v. Essex County Board of Social Services
OAL DKT. No. HMA 04994-19

Dear Mr. Schwartz:

The above Initial Decision has been rejected by the Director and is being remanded for additional proceedings with regard to whether Petitioner's Medicaid benefits were properly terminated due to Petitioner's failure to present the documentation necessary to determine Medicaid eligibility. On March 20, 2019, the Essex County Board of Social Services (ECBSS) terminated Petitioner's Medicaid benefits. On April 2, 2019, Petitioner requested a fair hearing on the March 20, 2019 termination. On April 4, 2019, the matter was transmitted to the Office of Administrative Law (OAL) for a hearing on that issue. The Initial Decision addresses a separate application and the October 8, 2019 denial. This matter was never appealed or transmitted to the OAL. Additionally, the matter that was transmitted was not resolved by the Initial Decision. The Initial Decision is remanded to the OAL for the purpose of scheduling further proceedings to determine whether ECBSS' March 20, 2019 termination of Medicaid benefits was correct.

Very truly yours,

Lisa N. Lackay, Esq.
Office of Legal and Regulatory
Liaison/DMAHS

C: Roger Arjoon
Ray Cruz, FHL

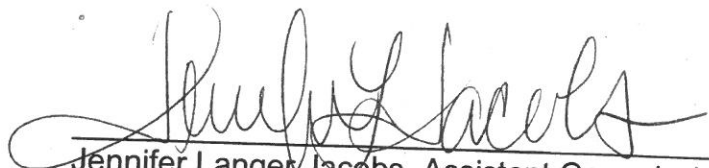
eligibility.¹ The Division of Medical Assistance and Health Services (DMAHS) Fair Hearing Unit received Petitioner's request for fair hearing on April 2, 2019 and transmitted the matter to the Office of Administrative Law (OAL) on April 4, 2019 to determine whether Petitioner's Medicaid was properly terminated for failure to provide information. During the pendency of this hearing, on August 7, 2019, Petitioner reapplied for Medicaid benefits. On October 8, 2019, ECBSS denied Petitioner's second application for Medicaid because his resources exceeded the resource standard for an individual. This termination letter was not appealed by the Petitioner and was not transmitted to the OAL by DMAHS. Yet, this was the only matter addressed at the October 2019 OAL hearing.

The issue of whether Petitioner failed to provide the information necessary to determine eligibility in connection with his redetermination of eligibility for Medicaid benefits is not addressed by the Initial Decision. Furthermore, the evidence in the record appears to address only Petitioner's eligibility in connection with his August 2019 Medicaid application. For this reason, this matter is REMANDED to the Office of Administrative Law for testimony and documentary evidence regarding the March 20, 2019 termination of benefits.

THEREFORE, it is on this 2nd day of DECEMBER 2019,

ORDERED:

That the Initial Decision is hereby REVERSED and REMANDED to the OAL.


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

¹ Exhibit R-4 suggests that Petitioner failed to provide information with regard to his resources. However, this is a handwritten annotation that does not match the termination notice provide by Petitioner with his request for a fair hearing.