

remanded the matter to the OAL for further proceedings. The only issue presented here is whether the Petitioner timely provided the necessary verifications for HCBSS to make an eligibility determination. The issue of Petitioner's ineligibility due to income was separately noticed by HCBSS on February 27, 2018 and was separately transmitted to the OAL on April 11, 2018. It was assigned to ALJ Scollo under a separate docket number and never consolidated with the matter here.¹ Accordingly, the issues addressed in the February 27, 2018 notice were not properly before the court and findings in the Initial Decision concerning Petitioner's income eligibility are REVERSED.

The matter properly before the court concerns HCBSS' August 7, 2017 denial notice for failure to provide verifications. 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. 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). Applicants must provide the CWA with verification requested. N.J.A.C. 10:71-2.2 (e). Thus, the ALJ correctly notes that the burden was not exclusively on HCBSS to verify Petitioner's account information through the Asset Verification System (AVS) system. I hereby ADOPT the findings of the ALJ with regard to applicant's responsibilities in the application process and HCBSS' responsibilities with regard to the AVS system.

However, the record here does not support a finding that HCBSS requested the verifications at issue. The email thread in evidence does not sufficiently establish that HCBSS requested the evidence, by a date certain, prior to denying Petitioner's Medicaid application. Consequently, I hereby REVERSE the Initial Decision in this regard.

THEREFORE, it is on this ^{15th} day of JULY 2019,

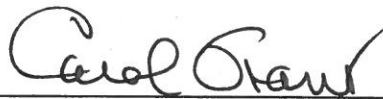
¹ The February 24, 2018 notice from HCBSS was assigned docket number HMA 05364-2018 and was returned to this office on May 15, 2018 as Petitioner failed to appear at the May 9, 2018 hearing.

ORDERED:

That the Initial Decision is hereby ADOPTED with regard to the Petitioner's and Respondent's obligations during the Medicaid application process; and

That the Initial Decision is hereby REVERSED with regard to any findings or conclusions concerning Petitioner's income eligibility pursuant to the February 27, 2018 notice; and

That the Initial Decision is hereby REVERSED with regard to the denial of Medicaid benefits pursuant to the August 7, 2017 notice, and the matter is RETURNED to HCBSS to determine Petitioner's eligibility for Medicaid in connection with the application denied in said notice. This Final Agency Decision should not be construed as making any findings regarding Petitioner's eligibility.



Carol Grant, Acting Director
Division of Medical Assistance
and Health Services