

The issue below was whether Petitioner timely provided the necessary verifications for the Hudson County Board of Social Services (HCBSS) to make an eligibility determination. 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. 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 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 Hudson County to 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. vs. DMAHS and Bergen County Board of Social Services, No. A-5911-10 (App. Div. February 22, 2013).

HCBSS requested that Petitioner provide a certified translation of her bank statements by September 5, 2018. The August 24, 2018 request was mailed just before the weekend and set a deadline just after Labor Day weekend. Petitioner took steps to obtain a rush, certified translation and was able to do so by Saturday, September 1, 2018. As Monday was a holiday, Petitioner should have been allotted the additional two days it took for the translation to be mailed to HCBSS.

Thus, I FIND that HCBSS should process Petitioner’s August 2018 application to determine if she was eligible for Medicaid benefits. This Final Agency Decision should not be construed as making any findings regarding Petitioner’s eligibility.

THEREFORE, it is on this ^{2nd} day of JANUARY 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED, and

That the matter is hereby RETURNED to HCBSS for a determination regarding
Petitioner's eligibility in accordance with this Final Agency Decision.



Meghan Davey, Director
Division of Medical Assistance
and Health Services