

matter was received on March 1, 2019.

The matter arises regarding the July 10, 2018 denial of Petitioner's application Medicaid benefits due to excess resources. Petitioner has been in the nursing home since June 2014 and had been receiving Medicaid benefits. In December 2018 Petitioner benefits had been terminated due to excess resources. That matter proceeded to fair hearing under docket number HMA 00056-2018. The termination was upheld by a Final Agency Decision rendered on June 1, 2018.


It appears a subsequent application was filed and Petitioner was found to have resources above the \$2,000 standard. The matter was transmitted to OAL on July 25, 2018. Petitioner died on August 18, 2018. As such, questions regarding the standing of P.F, who is Petitioner's step-son, were raised. The ALJ twice adjourned the matter to permit P.F. additional time to secure authority from the estate to proceed. On January 4, 2018, P.F. disclosed that he had not applied to the Surrogate's Office to obtain the necessary authority to represent Petitioner's estate and that Petitioner had a son and daughter. Atlantic County was directed to file a motion to dismiss the matter for lack of standing.

The Initial Decision found that matter was ripe for summary decision. The designation of her step-son to represent her ended with the death. Her estate is successor party in interest and must appear or designate P.F. The record fails to demonstrate that P.F. sought to obtain authority to represent the estate or, if Petitioner's legal heirs were appointed, to be designated by the estate to appear in this matter. See M.F. vs. DMAHS and Atlantic County Board of Social Services, A-2254-17T2, decided April 1, 2019. Thus, I hereby ADOPT the Initial Decision dismissing the matter and the denial of the application is upheld.

THEREFORE, it is on this ^{4th} day of APRIL 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Meghan Davey, Director
Division of Medical Assistance
and Health Services