



irrespective of whether HCBSS was able to make an eligibility determination based on the partial submission of documentation is not the issue.<sup>1</sup> The only issue presented here is whether the Petitioner timely provided the necessary verifications for HCBSS to make an eligibility determination. For the reasons that follow, I hereby REVERSE the Initial Decision and REMAND the matter for additional documentation.

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). HCBSS as the County Welfare Agency (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 and accurate submission of data; and promptly notify applicants of eligibility or ineligibility. N.J.A.C. 10:71-2.2(c) and (d). 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. However, 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 HCBSS 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).

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<sup>1</sup>S.I.K. v. Passaic County Bd. of Social Svcs., OAL DKT. No. HMA 03883-17, N.J. AGEN LEXIS 703, Initial Decision (9/8/17) was remanded and ultimately reversed by the Director in her December 6, 2017 Final Agency Decision wherein she found that Petitioner did not submit the necessary documentation to determine eligibility. Likewise, the Director’s September 8, 2017 Final Agency Decision reversed the Initial Decision in S.A. v. Union County Bd. of Social Svcs., OAL DKT No. HMA 03094-17, 2017 N.J. AGEN LEXIS 500, Initial Decision (7/6/17), finding that Petitioner did not provide the documentation necessary to determine eligibility and reinstated the CWA’s denial.

The documents necessary to determine whether Petitioner timely provided the necessary verifications are not included as part of the record. The record here does not contain the documents from HCBSS requesting information from Petitioner by a date certain, nor does it contain any evidence that Petitioner timely produced the verifications listed in HCBSS' December 2018 denial notice. On the contrary, it appears that Petitioner's representative brought some documentation to the Office of Administrative Law (OAL) hearing, well after the denial notice and well after the 45-90 day time limit. (ID at 4). However, I cannot make a final determination on the issue given such a sparse record.

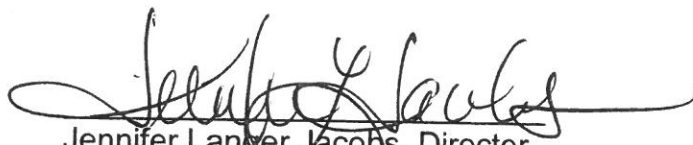
For the reasons set forth above I hereby REVERSE the Initial Decision. On Remand, HCBSS should produce the documents sent to Petitioner requesting the information necessary to determine eligibility, and Petitioner should provide any documentation responding to those requests or documentation to show exceptional circumstances warranted additional time to provide said documentation.

THEREFORE, it is on this <sup>20th</sup> day of JULY 2019,

ORDERED:

That the Initial Decision is hereby REVERSED; and

That the matter is REMANDED to OAL for further findings.



Jennifer Langer Jacobs, Director  
Division of Medical Assistance  
and Health Services