

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
PO Box 712
TRENTON, NJ 08625-0712

CAROLE JOHNSON

Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES

R.L.,

PETITIONER,

V.

DIVISION OF MEDICAL ASSISTANCE:

AND HEALTH SERVICES AND

OCEAN COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 13381-2019

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is March 30, 2020 in accordance with an Order of Extension.

The matter arises regarding the denial of Petitioner's Medicaid application due to the failure to provide information. Petitioner, through Senior Planning Services (SPS), filed an application on June 21, 2019. Ocean Count sent two letters requesting additional

information. The first request was dated July 9, 2019 and sought eight specific items. P-2. One item listed six specific transactions from two of Petitioner's bank accounts. On July 15, 2019 SPS replied to the request. One of the transactions, a deposit for \$3,870 on July 14, 2017, was identified as a tax refund and the tax return was enclosed. P-2.

Ocean County reviewed the information and issued a second letter requesting information. In that letter, Ocean County noted that the tax return submitted to explain the July 14, 2017 deposit was dated March 2, 2018 and reflected a different amount. P-3. At this point, the explanation changed and the deposit was described as a "loan/gift" from a friend. I cannot tell from the record when SPS told Ocean County about the new explanation as the letter in the record is dated November 13, 2019 and purports to contain an affidavit from Petitioner's wife. The "affidavit" is an email from Petitioner's wife sent to SPS on July 31, 2019. P-3 at 4. Another deposit of \$2,300 was also said to be a loan from a friend and is not mentioned in the affidavit. Ocean County denied the case for failing to provide information about the deposits as well as keeping the QIT properly funded.

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). 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). 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 Initial Decision reverses the denial and finds that Petitioner was acting in good faith to get all the required submissions to Ocean County. There was also a finding at there were exceptional circumstances that prevented him from providing the verifications. ID at 6. I find that the documents and circumstances of this case run contrary to these findings. For the reasons that follow, I hereby REVERSE the Initial Decision.

Petitioner, through SPS, averred that the July 2017 deposit was specifically related to a tax refund and went so far to provide a copy of the tax return. P-2. It was not, as the Initial Decision characterized, that Ocean County "remained unsatisfied" with this response. ID at 5. Rather Ocean County pointed out that the explanation for the deposit was patently untrue. Not only was the statement that the 2017 deposit was from tax refund untrue, the document Petitioner provided in support of that statement was from the 2018 tax year and the amount didn't match the deposit. This conduct is not an indication of acting in good faith. Interestingly, the record is silent as to why Petitioner stated the money was from a tax refund in the first place.

Moreover, there is nothing in the record that exceptional circumstances prevented Petitioner from providing an explanation about the deposit. Rather Petitioner went through great lengths to explain the deposit the first time. Only when Ocean County told Petitioner that the explanation was completely unsupported, did another explanation emerge. SPS incorrectly characterized an email from Petitioner's wife as an affidavit and none was ever produced. The first explanation with the production of documentary evidence is at complete odds with the brief and very non-specific second explanation. The Initial Decision cites to no circumstance, exceptional or not, that prevented Petitioner from explaining the deposit. Thus, the application was properly denied.

THEREFORE, it is on this day of MARCH 2020,

ORDERED:

That the Initial Decision is hereby REVERSED.

Jennifer Langer Jacobs, Assistant Commissioner

Division of Medical Assistance and Health Services