

the missing documents needed to complete the FAD. The exhibits were received on March 18, 2021.

The matter arises regarding the denial of Petitioner's Medicaid application filed in May 2019 due to the failure to provide information. Petitioner was residing in a nursing facility at the time of the application. She subsequently was discharged and returned home in November 2019. ID at 3. Cumberland sent a request on May 31, 2019 for information in eighteen enumerated paragraphs. R-1g. The information requested included verifications of balance amounts, questions regarding withdrawals, deposits and recurring credits that appeared in the statements as well as an annuity established in April 2019 with \$444,974.20. ID at 4. After receiving no response, a second letter dated August 7, 2019 was sent advising Petitioner's attorney that no decision could be made due to the failure to provide the additional financial information. R-1c. A due date of August 22, 2019 was set, after which the application would be denied. On August 21, 2019, Petitioner's attorney asked for an extension of time. R-1f. There was no reason stated for the extension. At that point Petitioner had not produced any of the information requested and, letter dated August 27, 2019, Cumberland denied the application. R-1b.

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 circumstances. 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 42 CFR § 435.912. 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 regulations do not require that the CWA 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. v. DMAHS and Bergen County Board of Social Services, No. A-5911-10 (App. Div. February 22, 2013).

The Initial Decision upholds the denial and I agree with that decision. The ALJ found Petitioner's arguments to be unpersuasive. ID at 9. Petitioner's attorney was aware that there is a 45 day review period that would have ended on July 6, 2019. Moreover, Petitioner's attorney and her husband, who held her Power of Attorney (POA), had provided Cumberland County with multiple financial accounts owned by the couple and were anticipating a request for additional information. ID at 6 and 17. Indeed, the questions asked by Cumberland County stemmed from over 100 pages of financial statements provided with the applicaiton. R-1j. Nothing shows the information was unavailable to Petitioner's spouse either as an account holder or as Petitioner's POA. Despite this Petitioner failed to prepare or provide the requested information. No explanation, much less anything that would rise to an exceptional circumstance, was given to excuse this failure to provide the verifications. R-1f. The record supports the

Initial Decision's findings. Thus, I hereby ADOPT the findings and conclusions set forth in the Initial Decision and incorporate them by reference.

THEREFORE, it is on this ^{30th} day of APRIL 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance
and Health Services