



upon my review of the record, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ).

On December 4, 2019, an application for Medicaid benefits was filed on Petitioner's behalf by her Designated Authorized Representative (DAR), Sarah Spiegel of Future Care Consultants, with MCBSS. ID at 2. Petitioner's application was stamped as entered into MCBSS's "case registration" on December 6, 2019. Ibid. On December 17, 2019, MCBSS sent a letter to Petitioner's DAR, which requested verification of certain information that was necessary to process the application, including

[t]he last 3 months of statements or passbook entries for every financial account prior to Dec 2019 must be provided. In addition, the statements or passbook entries for those same accounts – or any closed accounts – for March, July, and December of each of the last 4 years must be provided. You may be asked to provide additional statements if there has been a large amount of money removed or transferred from your accounts for any reason.

R-2 (emphasis in original). The letter additionally advised that "[i]f all required information is not received your application may be denied" and gave a deadline of January 6, 2020 to provide the requested verifications. Ibid.

On January 6, 2020, the DAR submitted some of the requested documentation to MCBSS via email. P-1. The email advised that the submission included (1) pension stub; (2) resources - see bank statements; (3) Health insurance cards; (4) signed estate recovery and statement of understanding forms; (4) Wells Fargo – "see statements up until August, I have requested September through current from bank and have not received back yet, can we please have an extension?"; and (5) Bank of America Statements – "see quarterly statements from opening of account. Please note that account was opened in September of 2018." Ibid. Supplemental documentation was provided by the DAR to MCBSS via email on January 9, 2020, including additional Wells Fargo Statements. P-3. The DAR additionally requested that MCBSS use the Asset Verification System (AVS) to obtain any missing documentation, as the DAR noted that she was having difficulty obtaining the statements.

Ibid. On January 10, 2020, MCBSS advised the DAR that “there are no extensions but until review you can provide what is missing.” P-2. On January 13, 2020, the DAR provided additional statements to MCBSS through email. P-4.

On January 23, 2020, MCBSS issued a prospective denial letter to Petitioner’s DAR, advising that Petitioner’s application would be denied on February 3, 2020 for failing to provide the requested information, including verification related to two closed Chase Bank accounts and one closed TD Bank account. R-1. The DAR failed to provide the requested documentation related to these bank accounts prior to the February 3, 2020 deadline. ID at 4. Accordingly, MCBSS denied Petitioner’s application effective February 3, 2020. Ibid.

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 forty-five days and Blind and Disabled cases within ninety days N.J.A.C. 10:71-2.3(a) and 42 CFR § 435.912. The timeframe 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).

Here, with its December 17, 2019 letter, MCBSS requested that Petitioner's DAR provide bank statements for all bank accounts, including closed accounts, owned by Petitioner prior to December 2019. MCBSS then issued a second letter, dated January 23, 2020 specifically advising the DAR that she has failed to provide the requested documentation related to three closed bank accounts previously owned by Petitioner. While the DAR's January 6, 2020 extension request related to obtaining the Bank of America bank account statements was denied, MCBSS advised that she could continue to submit documentation up until the period of review. As a result, the DAR received an additional twenty-eight days to provide the requested documentation prior to the effective date of the denial. However, the DAR failed to provide all of the documentation during that time period. Additionally, there is nothing in the record to reflect that the DAR requested an extension of time after receiving the January 23, 2020 letter nor have any exceptional circumstances been presented that would have necessitated an extension of time beyond the time frame provided by MCBSS in this matter. Moreover, as noted the Administrative Law Judge (ALJ), the denial of Petitioner's application took effect sixty-one days after the filing of Petitioner's application with MCBSS and fifty-nine days after the application was inputted into the Board's case registration system. ID at 10. Accordingly, the DAR was provided an additional two weeks beyond the forty-five day timeframe set forth in N.J.A.C. 10:71-2.3(a) to provide the requested documentation. Ibid.

While the Petitioner argues in her exceptions that the DAR did not have enough time to request the statements related to the three closed bank accounts, this argument is unfounded. As noted above, the DAR was informed through MCBSS's December 17, 2019 letter that it required specific documentation related to all accounts owned by Petitioner, including closed accounts. The DAR, thus, had approximately forty-eight days between the December 17, 2019 letter and the effective denial of Petitioner's application on February 3, 2020 to obtain the documentation or provide a valid reason that an extension of time was


necessary. Moreover, the DAR form in this matter was signed by Petitioner's granddaughter, who is listed as Petitioner's power of attorney (POA). Accordingly, Petitioner's POA could have assisted the DAR in obtaining the documentation as requested. There is nothing in the record to show that the POA was unable to assist in collecting the requested documentation. Petitioner has failed to provide any documentation or discern of any other reason why the timeframes set forth by MCBSS to provide the requested documentation were inadequate. Thus, no exceptional circumstances existed in this matter that would have necessitated additional extensions of time to provide the requested documentation.

Accordingly, for the reasons set forth above and those contained in the Initial Decision, I hereby ADOPT the Initial Decision's conclusion that MCBSS properly denied Petitioner's application.

THEREFORE, it is on this 8th day of OCTOBER 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.

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