



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

PO Box 712

TRENTON, NJ 08625-0712

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SARAH ADELMAN
Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

D.T.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	ORDER OF REMAND
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 6867-2020
	:	
AND HEALTH SERVICES AND	:	
	:	
MIDDLESEX COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

As Assistant Commissioner of 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. Respondent filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Decision is June 24, 2021 in accordance with an Order of Extension.

The matter arises regarding the denial of Petitioner's Medicaid application that was filed in February 2020 with Middlesex County Board of Social Services. By notice dated April 14, 2020 that application was denied for failure to provide information. Maurice Giro, Esq. filed an appeal of that denial that was docketed at OAL on July 27,

2020. It appears the matter was determined based on the submissions of the parties.¹ The Initial Decision modified Middlesex County's determination to establish eligibility as of July 1, 2020 based on a subsequent application filed on October 29, 2020. For the reasons that follow, I hereby REVERSE and REMAND the matter to OAL.

The matter and transmitted to OAL concerns the application filed in February 2020 and denied on April 14, 2020 for failure to provide information needed to determine Petitioner's Medicaid eligibility. That determination is the only application appealed and the only one to be resolved at the fair hearing. To that end, I FIND that any conclusions regarding subsequent applications are not properly before the OAL. See N.J.A.C. 1:1-3.2. Thus, the matter is REMANDED for proceedings solely regarding the February 2020 application.

THEREFORE, it is on this ^{22nd} day of JUNE 2021,

ORDERED:

That the Initial Decision is hereby REVERSED and REMANDED.



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

¹ In a submission dated November 18, 2020, Giro states that he provided a copy of the Qualified Income Trust (QIT) in response to Middlesex County's request for the trust and schedule A. He then stated "[i]f the Respondent wanted a different trust, they should have specified in their letter" which suggests that there is another trust which was not disclosed. On remand, there should be further development regarding this statement.