



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

E.W.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

UNION COUNTY DIVISION OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 03229-2021

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is November 1, 2021 in accordance with an Order of Extension.

This matter arises from the January 23, 2020 denial of Petitioner's Medicaid application due to her failure to provide information that was necessary to determine eligibility. A Medicaid application was filed on Petitioner's behalf with the Union County Board

of Social Services (UCBSS) by the facility in which Petitioner resided<sup>1</sup> on March 18, 2019. R-1. However, the application was signed by Petitioner and her granddaughter, D.W., on February 23, 2019. Ibid.

On May 6, 2019, UCBSS sent an initial letter to D.W., which requested verifications of various information related to Petitioner, including copies of Petitioner's pension statement and bank statements for the months of February through May 2019, and verification of the disbursement of funds in Petitioner's bank account between February 2019 and March 2019. Ibid. Specifically, the May 6, 2019 letter provided that in February 2019, Petitioner's bank account balance was \$16,033.19 and then in March 2019, her balance was lowered to \$5,325.34. Ibid. The letter advised that "we need verification of where the money went and the reasoning." Ibid.

On August 12, 2019, UCBSS sent an additional verification letter to D.W. that requested copies of Petitioner's bank statements from March 12, 2019 through present and verification of a cash withdrawal from February 13, 2019 for \$3,500. Ibid. A Designation of Authorized Representative (DAR) form was subsequently submitted to UCBSS, dated June 13, 2019, which designated Chavy Gluck of Future Care Consultants as Petitioner's representative related to her Medicaid application. Ibid.

The UCBSS caseworker assigned to Petitioner's application passed away while Petitioner's application was in pending status. ID at 3. As a result, Petitioner's file was not reviewed and a supplemental letter requesting additional verifications was not issued until January 8, 2020. Ibid. The January 8, 2020 letter requested verifications related to the LTC-2 and personal needs allowance (PNA) account from Petitioner's nursing facility, life insurance policies that Petitioner may have owned, and various withdrawals made from

---

<sup>1</sup> The record reflects that Petitioner resided in a rehabilitation and healthcare facility at the time of the filing of Petitioner's Medicaid application. This facility appears to have filed the Medicaid application on Petitioner's behalf. However, from June 2019 until her death, Petitioner resided in a separate nursing facility. R-1 and ID at 2.

Petitioner's bank accounts, including the \$3,500 transfer from February 13, 2019 that was previously requested in the August 12, 2019 verification letter. R-1. The letter advised that the requested verifications were due within ten days of receiving the verification letter. Ibid. Prior to UCBSS issuing the January 8, 2020 letter, Petitioner had passed away. ID at 4.

On January 17, 2020, another employee of Future Care Consultants, Sara Firestone, emailed UCBSS and requested an extension of time to produce the newly-requested verifications. P-1. UCBSS did not provide a response to Ms. Firestone's request. Ibid. On January 24, 2020, Ms. Firestone emailed UCBSS again, stating that she was having difficulty obtaining some of the requested documents as a result of Petitioner's death, and she, again, requested an extension of time to provide the documentation. Ibid. Through email, UCBSS replied that Petitioner's application had already been denied, effective January 23, 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 45 days and Blind and Disabled cases within 90 days N.J.A.C. 10:71-2.3(a) 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, the 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 found that no extensions were provided to Petitioner even after the UCBSS caseworker assigned to Petitioner's application passed away, UCBSS was delayed for several months in reviewing Petitioner's application, and Petitioner had passed away, making it difficult for the DAR to obtain the requested documentation. ID at 5. However, I disagree that an extension of time to provide the requested documentation was necessary in this matter, as there is nothing in the record to support a finding that any of these circumstances, including Petitioner's death, should have delayed the timely submission of the requested documentation. Specifically, UCBSS had been requesting documentation related to various withdrawals and how the funds in Petitioner's bank accounts were spent down since May 2019 when the initial verification letter was issued. Moreover, in the August 12, 2019 verification letter, UCBSS specifically asked for the basis of the \$3,500 withdrawal from February 13, 2019 and then again, requested the same information in the January 8, 2020 verification letter. The DAR and D.W., thus, had approximately five months prior to Petitioner's death to obtain verifications related not only to the spending down of Petitioner's bank account, generally, but this \$3,500 withdrawal, specifically, and yet no related documentation or information was submitted prior to UCBSS denying Petitioner's application on January 23, 2020.

Additionally, the PNA account information is completely within the control of Petitioner's nursing facility, to which the DAR had access. Petitioner's death should have had no impact on the DAR's ability to provide this information to UCBSS. However, the DAR failed to provide this information prior to the denial of Petitioner's application.

Lastly, the life insurance policy with Voya Financial, of which UCBSS requested verification in its January 8, 2020 letter, was owned by D.W., and therefore, obtaining the

requested documentation was not reliant on Petitioner. However, the letter from Voya Financial to D.W. that was provided in the record was not dated until October 2020, nine months after UCBSS's request for verification. There is no indication in the record to show that the DAR made timely requests for this information.

Accordingly, the DAR has failed to show that either Petitioner's death or the death of the UCBSS caseworker in this matter resulted in her inability to obtain the requested documentation, considering that much of the requested documentation that was still outstanding at the time of the denial of Petitioner's application was either requested previously, while Petitioner was still alive, or within the control of either the DAR or D.W. Thus, no exceptional circumstances existed in this matter that would have necessitated an extension of time to provide the requested documentation.

THEREFORE, it is on this 26th day of OCTOBER 2021,

ORDERED:

That the Initial Decision is hereby REVERSED.



---

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