



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**

J.D.,

PETITIONER,

v.

HORIZON NJ HEALTH,

RESPONDENTS.

:
:
:
:
:
:
:
:
:
:
:

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 03865-20

As Assistant Commissioner of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the OAL case file and the Initial Decision dismissing the case. Procedurally, the time period for the Agency Head to file a Final Decision is March 1, 2021, in accordance an Order of Extension.

This matter arises from Horizon NJ Health's (Horizon) denial of orthodontic treatment that was requested by Petitioner. Petitioner appealed the denial and the matter was transmitted to the OAL for a fair hearing.

During a telephone conference call on October 26, 2020, Petitioner advised the ALJ and Horizon that he would be withdrawing his appeal, and the Petitioner was given one week to file a withdrawal letter with OAL. The OAL did not receive a withdrawal letter from Petitioner. On November 10, 2020, a letter was sent to

Petitioner that requested that he advise the OAL, by November 23, 2020, whether he was withdrawing his appeal or if he wished to pursue the appeal. The Petitioner failed to forward either a letter of withdraw or a request to move forward with a fair hearing.

By Initial Decision dated December 1, 2020, the ALJ concluded that the Petitioner abandoned his appeal and thus, dismissed Petitioner's appeal.

Based on my review of the record, I concur with the ALJ's findings. Additionally, Petitioner did not submit any exceptions to counter the ALJ's findings. I hereby ADOPT the Initial Decision.

THEREFORE, it is on this ^{10th} day of FEBRUARY 2021,

ORDERED:

That the Initial Decision dismissing the fair hearing in this matter is hereby ADOPTED.



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