



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

R.B.,

PETITIONER,

v.

MORRIS COUNTY DEPARTMENT
OF FAMILY SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

ORDER OF REMAND

OAL DKT. NO. HMA 06366-20

As Assistant Commissioner of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the contents of the Office of Administrative Law (OAL) case file. Neither party filed Exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is February 28, 2021 in accordance with an Order of Extension. The Initial Decision was received on November 30, 2020.

This case arises from the Morris County Department of Family Services' (Morris County) May 15, 2020 notice denying Petitioner's April 2020 Medicaid application for exceeding the prescribed income eligibility limits. On or about July 9, 2020, Petitioner appealed Morris County's determination. On July 14, 2020, the Division of Medical

Assistance and Health Services (DMAHS), transmitted the Petitioner's request for fair hearing to the Office of Administrative Law (OAL).

Administrative agencies have the discretion to determine whether a case is contested. N.J.S.A. 52:14f-7(a). The OAL acquires jurisdiction over a matter after it has been determined to be a contested case by an agency head. N.J.A.C. 1:1-3.2(a). A contested case is commenced in the State agency with appropriate subject matter jurisdiction. N.J.A.C. 1:1-3.1. DMAHS is the administrative agency within the Department of Human Services (DHS) that is charged with administering the Medicaid program. N.J.S.A. 30:4D-4. Morris County's May 15, 2020 denial because the "client's total countable income of \$1,340.60 is over the income limit of \$1,064.00" was transmitted to the OAL. No other issue was transmitted with regard to Petitioner's Medicaid eligibility.

The Initial Decision, however, frames the issues to be decided as: (1) whether Petitioner time provided verifications necessary to determine eligibility; (2) whether Petitioner resided in a Medicaid approved facility, and (3) whether Petitioner's resources exceeded Medicaid eligibility limits. The Initial Decision does not address the issue of Petitioner's income eligibility for the Medicaid program, nor does the record contain any evidence with regard to Petitioner's income eligibility. Consequently, this matter is remanded to the OAL to determine whether Petitioner was income eligible for Medicaid in connection with his April 24, 2020 application.

THEREFORE, it is on this 17th day of FEBRUARY 2021,

ORDERED:

That the Initial Decision is hereby REVERSED and REMANDED for further proceedings to determine whether Petitioner met Medicaid income eligibility requirements.



Jennifer Langer Jacobs, Director
Division of Medical Assistance
and Health Services