

necessary to determine eligibility. Based upon my review of the record, I hereby ADOPT the Initial Decision in its entirety and incorporate the same herein by reference. The issue presented here is whether Petitioner provided the necessary verifications for the MCBSS to make an eligibility determination. On February 14, 2020, Petitioner, through his Designated Authorized Representative, filed a Medicaid application with the MCBSS. On March 4, 2020 and July 6, 2020, MCBSS made requests for information necessary to determine Petitioner's eligibility including complete statements of his spouse's retirement account. Petitioner did not provide the requested statements and MCBSS denied the application on July 24, 2020.

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); MedCom No. 10-09, and Fed. Reg. 42 CFR 435.91. However, 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 regulation does not require MCBSS to 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. vs. DMAHS and Bergen County Board of Social Services, No. A-5911-10 (App. Div. February 22, 2013).

MCBSS held open Petitioner's application for 161 days. The record contains no documented exceptional circumstance warranting an extension of time. MCBSS sent out two requests for information with all information due by July 16, 2020. There is no evidence in the record that Petitioner requested additional time to provide the requested information. Moreover, the record shows only one attempt to request retirement account information at some point in July 2020.¹ While Petitioner's DAR claims that she was struggling to obtain the account statements, there is no evidence that Petitioner's DAR made either repeated requests for information or even a single request prior to the July 2020 denial. Accordingly,

¹ An email from Laura Armitage to Leah Fisher dated February 16, 2021, states "...when the request for information was made in July 2020." Since Petitioner's DAR did not submit her request as evidence, there is no way of knowing if this request was made prior to or after the July 24, 2020 denial was issued.

I FIND that MCBSS correctly denied Petitioner's February 14, 2020 application for failing to provide information necessary to determine eligibility.

THEREFORE, it is on this 23rd day of JULY 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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