



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Assistant Commissioner

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

R.M.,

PETITIONER,

v.

WARREN COUNTY BOARD OF
SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 08108-20

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the Office of Administrative Law (OAL) case file and the documents filed below. Neither party filed Exceptions. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is August 23, 2021 in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of receipt. The Initial Decision was received on July 8, 2021.

This matter arises from the Warren County Board of Social Services' (WCBSS) June 9, 2020 denial of Petitioner's Medicaid application for failure to provide documentation

necessary to determine eligibility. On March 20, 2020, Petitioner's attorney filed a Medicaid application on his behalf. On March 25 and April 1, 2020, WCBSS requested Petitioner provide information needed to determine his eligibility. On April 21, 2020, Petitioner's attorney informed WCBAA that her client had contracted COVID-19. On April 22, 2020, WCBSS provided Petitioner with an updated list of outstanding verifications. On April 24, 2020, Petitioner's attorney informed WCBSS that her client had passed away. On May 8, 2020, WCBSS granted Petitioner's attorney a good cause extension of time to provide the outstanding response to its request for information. As a result, Petitioner's response was due by May 29, 2020.

Petitioner submitted a response on May 20, 2020. However, this was not seen by the WCBSS because it had been diverted to the caseworker's junk mail. The response was still missing an explanation of three transactions. Nothing further was provided prior to the May 29, 2020 due date. Accordingly, on June 9, 2020, WCBSS denied Petitioner's application. On June 12, 2020, Petitioner's attorney reached out to WCBSS for an explanation of which items remained outstanding and then provided them on the next business day. There is no dispute that as of June 15, 2020 Petitioner had furnished all the information requested by WCBSS.

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 circumstance. N.J.A.C. 10:71-2.2(e). MCBSS as the County Welfare Agency (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 and 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); 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). 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).

The ALJ found that had WCBSS seen the May 20, 2020 email response from Petitioner’s attorney, it could have informed Petitioner that information remained outstanding. The burden on WCBSS in this scenario is misplaced. WCBSS had already granted Petitioner a good cause extension to provide the requested documentation by May 29, 2020. Petitioner’s representative knew what was required and failed to submit a complete response. At this point in the process, the application had been open for seventy days. It is not WCBSS’ burden to continually remind applicants of what they have failed to provide until they provide it.

That said, Petitioner filed his application and passed away early in the pandemic when facilities were restricting visitors, and office employees were transitioning to remote work locations. While the Petitioner’s application could not be left open indefinitely, it would not

be unreasonable to grant an extension to review the information that was provided on June 15, 2020. For that reason and based on the unique facts and circumstances of this case, I hereby MODIFY and ADOPT the Initial Decision.

This Final Agency Decision should not be construed as making any findings regarding Petitioner's eligibility.

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

ORDERED:

That the Initial Decision is hereby ADOPTED.



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