



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

S.G.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

ATLANTIC COUNTY DEPARTMENT

OF FAMILY AND COMMUNITY

DEVELOPMENT,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 02607-2020

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. Petitioner filed exceptions in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is September 27, 2021 in accordance with an Order of Extension.

This matter arises from the January 31, 2020 denial of Petitioner's Medicaid application due to her failure to provide information that was necessary to determine

eligibility. Based upon my review of the record, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ).

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).

In the present matter, Petitioner, with the help of her Designated Authorized Representative (DAR), Goldie Weiss of Future Care Consultants, filed an application for Medicaid benefits the Atlantic County Department of Family and Community Development (Atlantic County) on September 27, 2019. R-1 at 2. With the application, the DAR provided a Bank of America (BOA) bank statement, which showed a "Funds Transfer Debit" on April 9, 2018 for \$9,999. ID at 3 (citing P-2 at Exhibit A).

On October 1, 2019, Atlantic County issued a letter, which requested the verification of certain information that was necessary to process Petitioner's application. R-1 at 3-7. By email on October 11, 2019, the DAR advised Atlantic County that she needed more time to gather the documentation. P-1 at 11-12. Atlantic County granted an extension of time until November 1, 2019. Ibid. On November 1, 2019, the DAR requested another extension of time, and Atlantic County advised that the DAR still had not submitted anything from the October 1, 2019 verification letter. P-1 at 11. The DAR then submitted some of the requested documentation on November 6, 2019. Ibid.

On November 7, 2019, Atlantic County sent a second request for verifications, which requested additional BOA bank statements and the missing items from the October 1, 2019 verification letter. P-1 at 10. On November 11, 2019, the DAR submitted some of the requested documentation and advised that she was working with Petitioner's husband to obtain the rest of the requested documentation. Ibid. Among the documents provided was a BOA statement that contained a July 5, 2019 "NJ TLR Transfer" of \$845. P-1a.

Atlantic County sent a third letter for verifications on November 22, 2019, which asked for the outstanding information from previous verification letters. R-1 at 9. On December 13, 2019, Atlantic County sent another letter that advised the DAR that the application would be denied on December 17, 2019 for failing to provide the previously requested documentation. Id. at 10-11. On December 19, 2019, Atlantic County sent another letter, allowing the DAR to submit documentation through January 8, 2020. Id. at 12. This letter requested the source of direct deposits for several large sums that were previously requested on prior letters. Ibid.

On December 23, 2019, Atlantic County issued another letter, seeking bank account information from four different bank accounts, including the current statement for the "NJ TLR Transfer" of \$845 made on July 5, 2019 and the withdrawal slip or current statement for the transfer of \$9,999 on April 9, 2018. Id. at 14. Atlantic County sent its final request for verifications on January 6, 2020, which included the pending items from the previous needs

list issued on December 23, 2019, and advised the DAR that the application would be denied if the documentation was not received within ten days. Id. at 15.

On January 18, 2020, the DAR submitted documentation related to most of the requests set forth in the December 23, 2019 letter. ID at 4-5. However, three requests remained outstanding: withdrawal slip for \$6,000 on February 6, 2019, current statement of the \$845 "NJ TLR Transfer" on July 5, 2019, and withdrawal slip or current statement for the transfer of \$9,999 on April 9, 2018. On January 21, 2020, the DAR provided documentation related to the \$6,000 withdrawal on February 6, 2019 and advised that she was waiting for documentation related to the last two transactions from the bank. P-1 at 2. Her email requested that Atlantic County "hold the case until we get it from the bank." Ibid. On January 31, 2020, Atlantic County denied Petitioner's application for failing to provide verification of the \$845 transfer made on July 5, 2019 and the \$9,999 transfer made on April 9, 2018. Id. at 16.

The Initial Decision in this matter upheld the denial of Petitioner's application, and I concur. The record shows the DAR had been in contact with BOA since at least the first verification letter in October 2019 and was timely provided with most of the documentation prior to the denial of Petitioner's application. P-1. The DAR failed to advise Atlantic County or the ALJ of any specific reason why the requested documentation related to the \$845 transfer from July 5, 2019 and the \$9,999 transfer from April 9, 2018 was not able to be provided by BOA in the timeframe provided by Atlantic County, especially when all of the other transactions referenced in the December 23, 2019 verification letter were provided to the DAR by BOA prior to January 21, 2020,¹ when the DAR submitted same to Atlantic

¹ As noted above, all of the other verifications, aside from a \$6,000 transfer on February 6, 2019, the \$845 transfer from July 5, 2019, and the \$9,999 transfer from April 9, 2018 were submitted to Atlantic County by January 18, 2020. ID at 4-5. Verification related to the \$6,000 transfer on February 6, 2019 was provided on January 21, 2020.

County.² The DAR had thirty-nine days between the December 23, 2020 verification requests and the ultimate denial of Petitioner's application on January 31, 2020 to submit the documentation, and additionally, the DAR had Petitioner's husband who assisted in collecting the requested verifications. ID at 3. While the DAR requested that Atlantic County "hold the case until we get it from the bank," the DAR did not specifically request an extension of time to provide the requested documentations prior to the deadline set forth in Atlantic County's final verification letter or any time prior to the January 31, 2020 denial nor did the DAR articulate any exceptional circumstances that would have necessitated an extension of time to submit the requested documentation in this matter. Without the requested verifications, Atlantic County was unable to determine Petitioner's eligibility and appropriately denied Petitioner's application.

Petitioner argued in her exceptions that Atlantic County was "on notice of both transactions well before they were ever requested," and "[u]pholding the denial would create a double-standard whereby applicants are held to an arbitrary time limit while the County is free to sit on documentation and decide to make new requests whenever they find it convenient." I disagree. As found by the ALJ, "[t]he two missing items were not the only transactions that needed to be processed during the application period." Rather as of January 6, 2020 there were numerous outstanding transactions [still needed] before this application could be finalized." ID at 7. Additionally, while Petitioner provided a bank statement showing the April 9, 2018 transfer of \$9,999 when her application was filed with Atlantic County, the \$845 transfer on July 5, 2019 was not included in any documentation submitted to Atlantic County until November 2019.³ Once those bank statements were

² I note that several of the transfers listed on the December 23, 2019 letter were first requested by Atlantic County in its October 1, 2019 letter; however, the DAR failed to submit the requested verifications until January 18, 2020.

³ The DAR's employer, Future Care Consultants, is in the business of assisting applicants with their Medicaid applications. The DAR, thus, should have been aware that verification


reviewed by Atlantic County and the transactions were identified, verifications related to several specific transfers were appropriately requested. Regardless, the timing of Atlantic County's request for verifications does not excuse the DAR's failure to provide the requested documentation in the timeframe set forth in the verification letters. The DAR failed to provide the documentation requested in the thirty-nine day period between the December 23, 2019 verification letter and the denial of Petitioner's application. Moreover, and as noted above and in the Initial Decision, the DAR did not advise Atlantic County of any exceptional circumstances that prevented her from obtaining the requested documentation in the timeframe set forth by Atlantic County in either the December 23, 2019 or January 6, 2020 letters or at any time prior to issuance of the January 31, 2020 denial. ID at 9.

Accordingly, I FIND that no exceptional circumstances exist in this matter that would have necessitated any additional extensions of time to provide the requested verifications, and the DAR failed to provide the requested documentation in the timeframes set forth by Atlantic County. I, therefore, FIND that Atlantic County appropriately denied Petitioner's application and as the record supports this finding, the Initial Decision correctly upheld the denial.

THEREFORE, it is on this 24th day of SEPTEMBER 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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

the April 9, 2018 transfer of \$9,999 would be requested by Atlantic County at some point during the verification process.