



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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TRENTON, NJ 08625-0712

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SARAH ADELMAN
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

July 14, 2022

Susan Rogers, Deputy Clerk
Office of Administrative Law
33 Washington Street
Newark, New Jersey 07102

Re: Margaret May v. Union County Board of Social Services
OAL Dkt. HMA 09003-2021
Remand

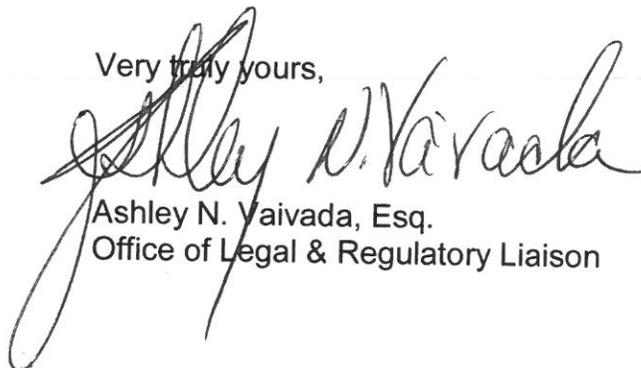
Dear Ms. Rogers:

The Initial Decision in the above-referenced matter is being remanded by the Assistant Commissioner.

This matter arises from the denial of Petitioner's Medicaid application due to her failure to provide information that was necessary to determine eligibility. The Initial Decision affirmed the denial of Petitioner's application based upon Petitioner's failure to provide requested bank statements. However, the Initial Decision makes no findings related to two other outstanding verifications at the time of the denial of Petitioner's application. Moreover, Petitioner's exhibits are not appropriately marked or identified in the record and it is unclear whether the record contains all of the verification letters previously issued by Union County in this matter. Accordingly, the matter is being remanded for further development of the record in relation to the two other outstanding verifications, to mark and identify Petitioner's exhibits, and for production of all of the verifications letter issued by Union County in this matter.

I have enclosed new transmittal forms as well as the case file from the prior hearing. If you have any questions or need additional information, please contact me.

Very truly yours,



Ashley N. Vaivada, Esq.
Office of Legal & Regulatory Liaison

C: Lauren Marinaro, Esq.
Donna Eleazer, FHL

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).

A Medicaid application with the Union County Board of Social Services (UCBSS) was filed on Petitioner's behalf in January 2021. ID at 2. UCBSS requested verification of information related to Petitioner that it deemed necessary to process Petitioner's application. It is unclear from the record how many requests for verifications were made by UCBSS to Petitioner's counsel and when said letters were issued. However, on April 27, 2021, UCBSS denied Petitioner's application stating that on March 27, 2021, UCBSS mailed a letter requesting the following information by April 1, 2021 which had not been received:

1. A letter from Aetna stating [Petitioner]'s 2020 and 2021 monthly premium.
2. 02/1/2016 – Closure statements from Morgan Stanley #
You provided a closure letter; however you did not provide the statements requested. Please note, the letter you provided does not state the date of closure or amount.

3. Good and Service/Contract from Paul Ippolito Summit Memorial Funeral Home.”

Petitioner, through her counsel, appealed the denial.

The Initial Decision in this matter upheld the denial, finding that Petitioner did not provide the requested verifications to the agency to consider her application. Specifically, the Initial Decision found that Petitioner failed to submit to UCBSS the Morgan Stanley statements that were requested in the March 27, 2021 verification letter. However, there is no reference or discussion related to the other two verification requests that UCBSS noted were outstanding at the time of denial, as detailed above. Moreover, the only exhibits that are marked in the OAL case file are Exhibits P-1 through P-4, while the Appendix to the Initial Decision provides that Exhibits P-1 through P-18 were admitted into evidence in this matter on Petitioner’s behalf. To that end, this matter is REMANDED for additional proceedings and development of the record, specifically regarding (1) whether the Morgan Stanley statements were the only outstanding item at the time of the denial, as UCBSS’s April 27, 2021 denial letter references three outstanding items and the Initial Decision only made findings related to one of the items. If the other two items were outstanding at the time of denial, findings need to be made regarding Petitioner’s failure to provide these items; (2) Petitioner’s Exhibits to be appropriately marked and identified in the record; and (3) production of all of the verification letters issued by UCBSS in this matter, as the record does not detail how many verification requests were issued by UCBSS and on what dates.

Accordingly, for the reasons set forth above and those contained in the Initial Decision, I hereby REMAND the Initial Decision.

THEREFORE, it is on this 12th day of JULY 2022,

ORDERED:

That the Initial Decision is hereby REMANDED for further development of the record, clarify the Exhibits entered into evidence, and production of the verification letters issued by UCBSS in this matter, as set forth herein.



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