

This matter arises from the Middlesex County Board of Social Services' (Middlesex County) January 25, 2023, denial of Petitioner's Medicaid application for failure to provide documentation necessary to determine eligibility. A Fair Hearing was held and an Initial Decision was entered on April 17, 2024, affirming Middlesex County's denial of Petitioner's application.

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 and accurate submission of data; and promptly notify applicants of eligibility or ineligibility. N.J.A.C. 10:71-2.2(c) and (d).

The facts established during the first Fair Hearing are as follows: Petitioner filed a Medicaid application and after reviewing the application, Middlesex County sent Request for Information letters to Petitioner on November 1, 2022, December 9, 2022, and lastly on January 5, 2023, with information to be provided by January 19, 2023. ID¹ at 1 & 5. Included in the Request for Information letter was verification of ownership of a Bank of America account ending in 1069. ID1 at 1. Petitioner sought the requested information from Bank of America on September 13, 2022, and Bank of America provided an Account Verification Return Notice stating, "UNABLE TO LOCATE A/C XXXX-1069, PLEASE PROVIDE COMPLETE A/C #." ID1 at 1, P-1. Petitioner submitted this Notice to

¹ ID1 refers to the Initial Decision dated April 17, 2024; ID2 refers to the Initial Decision dated April 28, 2025.

Middlesex County in response to the Request for Information letter dated January 5, 2023. Middlesex County found that the Notice did not state or show ownership of the account in question. Ibid. The Administrative Law Judge (ALJ) agreed with Middlesex County and found that the Notice did not show ownership of the account ending in 1069. Ibid. The Initial Decision also notes that Petitioner submitted this same Notice with the two previous applications, and it was found to be insufficient by Middlesex County and that Petitioner should have been put on notice and provided Petitioner an opportunity to seek additional information from Bank of America. Ibid. Ultimately, the ALJ found that Petitioner did not timely provide all the required documentation that was requested by Middlesex County and that no exceptional circumstances existed. ID at 2.

By letter dated April 22, 2024, Petitioner filed exceptions to the Initial Decision. In summary, Petitioner took exception to the following three issues:

1. Middlesex County ultimately approved a subsequent application without receiving verification of the subject account;
2. Since the subject account did not belong to the applicant, she had no way to verify who owned it;
3. The DAR had previously submitted the response from Bank of America but was never advised that it was insufficient.

On July 18, 2024, DMAHS reversed the Initial Decision and remanded the matter back to the OAL to develop the record further regarding two issues. Order of Remand at 4-5. First, to outline all efforts made by Petitioner to identify the owner of the Bank of America account, prior to January 25, 2023. Ibid. at 4. Second, to identify if Middlesex County ever communicated to Petitioner why the Bank of America letter did not satisfy their request and/or whether Middlesex County made suggestions on how their request could be satisfied if Petitioner did not know the full account number. Ibid.

After the ALJ held several conference calls and the parties provided submissions addressing the issues on remand, the ALJ issued an Initial Decision once again

concluding that Petitioner's application must be denied for failure to provide the information required to determine eligibility in a timely manner. ID2 at 6-7. When discussing the possible efforts Petitioner could have made to identify the owner of the Bank of America (BOA) account, the ALJ found that Petitioner did not call BOA, write to BOA for suggestions, provide BOA with a copy of the bank statement showing the transfer to provide a resource from which the search could be conducted, go to a local BOA branch to speak with a bank representative, or request assistance or suggestions from Middlesex County on how to address the outstanding issue. ID2 at 6. The ALJ found that Petitioner did not make reasonable attempts to obtain the information or documents sought by Middlesex County, and instead, Petitioner once again submitted a document that had been provided during two previous applications, which were both denied. Ibid.

When discussing the second remand issue, if Middlesex County ever communicated to Petitioner why the Bank of America letter did not satisfy their request and/or whether Middlesex County made suggestions on how their request could be satisfied if Petitioner did not know the full account number, the ALJ found that Middlesex County did not contact Petitioner to explain why the BOA letter was not sufficient. ID2 at 4.

Counsel for Petitioner filed exceptions to the Initial Decision, dated April 28, 2025. Petitioner argued that the previous applications that were denied for failure to provide did not list the items that were still missing at the time of the denial and therefore Petitioner had no way of knowing that the response from BOA was insufficient. Additionally, Petitioner argued that the first two Request for Information letters for the subject application did not address the subject accounts, which further confirmed to Petitioner that the previous response was sufficient.

As mentioned, Petitioner's first two applications were denied for failure to provide. Petitioner has argued that they did not know what documents and/or information were missing from both the first and second application, and therefore Petitioner had no way of knowing that the response from BOA was insufficient. While the record does not establish exactly what was missing/incomplete from the first two applications, it can be inferred based on the first request for information letter sent with this third application that Middlesex County was seeking documents/information for more than just the BOA account. This information supports Petitioner's argument that it was never made clear to them that the previously submitted BOA response was not sufficient. Additionally, neither the first request for information letter sent on November 1, 2022, nor the second request for information letter sent on December 9, 2022, requests verification of who owns the BOA account. This begs the question of why, if the first and second applications were clearly and obviously denied (in whole or in part) because the BOA response was not sufficient, this deficiency was not listed on the first request for information letter sent to Petitioner.

In the Initial Decision dated April 28, 2025, in summary, the ALJ concluded that Petitioner did not undertake any additional efforts to identify the owner of the BOA account and also concluded that Middlesex County did not communicate to Petitioner why the BOA letter did not satisfy their request. While reasonable arguments could be made to support various interpretations of these findings, I believe the totality of circumstances in the record support the Petitioner's argument that the reason she did not undertake any additional efforts to identify the owner of the BOA account was because Middlesex County had not adequately communicated to Petitioner that the BOA letter did not satisfy their request. While it is Petitioner's burden to assist in securing documents and information that would allow the CWA to process an application to determine eligibility, the CWA has

the direct responsibility of keeping the Petitioner informed throughout the process of determining eligibility or ineligibility. N.J.A.C. 10:71-2.2(c) and (d). Based on the record, I find that Middlesex County did not clearly articulate to Petitioner that the BOA letter was insufficient and therefore Petitioner should have the opportunity to supplement their response to satisfy Middlesex County's request to identify the owner of the BOA account.

Thus, based on the record before me and for the reasons enumerated above, I hereby REVERSE the Initial Decision.

THEREFORE, it is on this 11th day of JUNE 2025,

ORDERED:

That the Initial Decision is hereby REVERSED; and

That the Initial Decision is RETURNED to Middlesex County for further evaluation of Petitioner's October 28, 2022, Medicaid application.



Gregory Woods, Assistant Commissioner
Division of Medical Assistance and Health Services