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

L.M.,

PETITIONER,

v.

UNION COUNTY DEPARTMENT
OF HUMAN SERVICES AND DIVISION
OF MEDICAL ASSISTANCE AND
HEALTH SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 04213-24

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. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is June 5, 2025, in accordance with an Order of Extension.

This matter arises from the Union County Department of Human Services' (Union County) December 19, 2023, denial of Petitioner's Medicaid application for failure to provide documentation necessary to determine eligibility. R-3. The denial lists various items but the only information that remained outstanding by the date of the hearing was documentation requested for the Computershare/Prudential account #3401. ID at 4.

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, through her Designated Authorized Representative (DAR), M.S. filed a Medicaid application on August 22, 2023. R-1. On August 31, 2023, and October 13, 2023, Union County sent requests for additional information with a deadline date of October 27, 2023. R-2a, R-2b. The only item that remained outstanding before the denial was issued was the stock dividend history for the Computershare/Prudential account #3401. Ibid. On December 4, 2023, an itemized list of explanations was provided to Union County. R-7. In the list of explanations, Petitioner

outlined the attempts made to obtain the documents relating to the Computershare account #3401. The explanation reads as follows:

I requested these statements on 10/30 and was told it would take 5-10 business days. When I did not receive anything, I followed up on 11/10 and was told they are on [their] way. I received a single statement letter and called 11/17 to find out what was happening. I was then told my POA was not being recognized [because] it [was] over 60 days, and they could only send me the one statement. Ibid.

In addition, on November 29, 2023, December 12, 2023, December 13, 2023, and December 15, 2023, Petitioner's DAR sent emails to Union County seeking to confirm that the information provided would satisfy Union County's request for documentation. P-

4. In fact, the December 12th, December 13th and December 15th emails specifically requested a case worker or supervisor to confirm if Union County was satisfied with the information sent and noted "they would like to avoid any denials." Ibid. Union County did not respond to any of the emails.

The Administrative Law Judge (ALJ) found that Union County's denial of Petitioner's application was not appropriate. R-7. Here, the ALJ determined Petitioner's DAR and granddaughter's testimony to be credible. ID at 5, 6. More specifically, the ALJ determined that the granddaughter testified credibly as to the following: 1) she began reaching out to Prudential in October 2023 to request the monthly statements for Computershare/Prudential account, 2) she contacted Prudential around eight to ten additional times when the information was not provided, 3) she testified that the dividends from the stock was deposited into the Santander account and 4) that the information from the Santander account #6250 was provided to Union County before the application was denied. ID at 4, 5. The ALJ also found Petitioner's DAR to be a credible as she explained that she emailed Union County regarding Petitioner's submissions on November 29,

2023, December 13, 2023, December 15, 2023, and December 18, 2023, but did not receive any response to her emails whether the information provided was sufficient. ID at 6. Petitioner's DAR also testified that the information Prudential provided did show that Petitioner had purchased fifty shares of Prudential stock in 2002 and sold those shares in 2021, however no dividend history had been provided. ID at 5. Additionally, Petitioner's DAR further testified that Prudential did finally provide a full history of account #3401 but only after a subpoena had been issued.¹ Ibid. In both instances, the ALJ gave "great weight" to the testimony of the granddaughter and DAR. ID at 5, 6. The ALJ further determined the Prudential disbursements were placed in the Santander account #6250 and that information was provided to Union County before the denial which shows Petitioner had "substantially complied" with the request for documentation. ID at 7. Finally, the ALJ determined Union County's failure to respond to the emails sent requesting assistance was contrary to the regulations and thus, denial of Petitioner's application was an error and should be reversed. Ibid.

Based on review of the totality of circumstances, denial of Petitioner's application was not appropriate for the following reasons: 1) Petitioner made a good faith effort to comply with the County's requests, 2) the ALJ found that the substantive information the County needed to determine eligibility was largely provided, and 3) the county failed to respond to the DAR's emails which consistently requested confirmation that the information sent would satisfy the County's requests. As such, I agree with the Initial Decision and specifically with the reasons stated above.

¹ The dividend history was subsequently provided. See Petitioner's Brief, dated January 6, 2025.

Thus, based on the record before me and for the reasons enumerated above, I hereby ADOPT the Initial Decision and FIND that the denial of Petitioner's application was inappropriate and the County should process Petitioner's August 22, 2023, application to determine if Petitioner is eligible for Medicaid benefits. This Final Agency Decision should not be construed as making any findings regarding Petitioner's eligibility.

THEREFORE, it is on this 3rd day of June 2025,

ORDERED:

That the Initial Decision is hereby ADOPTED as set forth above.

Gregory Woods

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