



CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

**State of New Jersey**  
DEPARTMENT OF HUMAN SERVICES  
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES  
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TRENTON, NJ 08625-0712

JENNIFER VELEZ  
*Commissioner*

VALERIE HARR  
*Director*

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

M.A.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

HUDSON COUNTY BOARD

OF SOCIAL SERVICES,

RESPONDENTS.

**ADMINISTRATIVE ACTION**

**FINAL AGENCY DECISION**

**OAL DKT. NO. HMA 05612-14**

As Director of the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence, the contents of the OAL case file and Petitioner's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to file a Final Agency Decision is August 11, 2014 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 June 27, 2014.

For the reasons which follow, I hereby ADOPT the recommended decision of the Administrative Law Judge in its entirety. If the Social Security Administration denies an application for disability benefits, DMAHS is bound by this determination for 12 months. See N.J.A.C. 10:71-3.11(c). In this case, Petitioner has appealed the Social Security Administration's denial to the U.S. District Court and also has a pending second application with the Social Security Administration. Thus, as noted by the ALJ, the Division's Medical Review Team is precluded from making an independent disability determination at this point.

In Exceptions to the Initial Decision, Petitioner argues that N.J.A.C. 10:71-8.1(b)1 requires a face-to-face interview prior to termination of benefits. As this was not done, she argues that the decision should be reversed. This is form over substance. "Where a party claims entitlement to benefits under federal statutes and lawfully promulgated regulations, that party must satisfy the requirements imposed by Congress." Gressley v. Califano, 609 F.2d 1265, 1267 (7th Cir.1979). Here, the Division's Medical review Team is not permitted to make an independent disability determination because it is bound by the Social Security Administration's denial. Thus, any new medical information should be presented to the Social Security Administration, not DMAHS. See N.J.A.C. 10:71-3.11(c).

THEREFORE, it is on this <sup>24<sup>th</sup></sup> day July 2014,

ORDERED:

That the County's decision to terminate Petitioner's benefits based on the Social Security Administration's denial of disability is affirmed.

A handwritten signature in black ink, appearing to read "Valerie J. Harr", written over a horizontal line.

Valerie J. Harr, Director  
Division of Medical Assistance  
and Health Services