



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

PO Box 712

TRENTON, NJ 08625-0712

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JENNIFER VELEZ
Commissioner

VALERIE HARR
Director

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

N.L.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 16199-12
	:	
AND HEALTH SERVICES AND	:	
	:	
PASSAIC COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the documents in evidence. No exceptions were filed. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is July 21, 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 5, 2014.

This matter concerns Petitioner's application for benefits. She filed an application on September 9, 2011. There is no indication how that application was resolved but she filed another application on March 11, 2012. It is presumed that the first application was denied. This matter concerns the second application that was denied due to lack of verifications. Petitioner died on November 15, 2012.

The Initial Decision sets forth the requests that Passaic County sent regarding the necessary verifications. Petitioner's husband received the first request on May 14, 2012. When the information was not supplied in that time frame, Passaic County continued to give Petitioner additional chances to produce it. However, those notifications were sent to Petitioner in the nursing home. It is unclear what the Daughters of Miriam Nursing Home did with those letters. A denial notice dated October 22, 2012 was forwarded by the nursing home to Petitioner's husband. That notice stated that Petitioner had failed to provide the prior information as well as bank accounts not mentioned on the application and five years of documents for her husband's 401K plan. Petitioner appealed that denial letter.

The Initial Decision determined that Petitioner's application should be reviewed within ninety days due to Passaic County's failure to send the prior letters to Petitioner's husband during the application process and its failure to send a letter, at the court's direction, to Petitioner's husband.

I FIND that the correct time for Petitioner to have supplied the information was 45 days. The May 14, 2012 notice clearly states on the first page that he had 45 days to submit the verifications. That notice give a date certain of June 29, 2012 to provide that information. The Initial Decision's finding that Petitioner had 90 days is based on the language in the notice concerning the time Passaic County would have to make a determination. That language states that Passaic County "will be given 45 days to determine eligibility for aged cases and 90 days for those cases where a disability determination is required for Blind and Disabled applicants." R-1 at 2. Petitioner would be considered aged and Passaic County would have had 45 days once the missing information was supplied.

I have reviewed the record and agree that Passaic County failed to provide the missing information notice as requested by the ALJ. The record indicates that the missing information was received by April 17, 2014 which would permit Passaic County to make a substantive decision on this case.

Thus, for the reasons set forth in the Initial Decision and due to the unique circumstances and facts surrounding this case, I hereby ADOPT the Initial Decision and RETURN the matter to Passaic County for further findings regarding Petitioner's eligibility based on the March 11, 2012 application. This Final Agency Decision should in no way be construed as determining Petitioner was eligible. Passaic County shall determine eligibility and issue notice to Petitioner's spouse at his home address.

THEREFORE, it is on this ^{15th} day of JULY 2014

ORDERED:

That the Initial Decision is hereby ADOPTED.

That the matter is hereby RETURNED to Passaic County for a determination of Petitioner's eligibility pursuant to the March 2012 application.



Valerie Harr, Director
Division of Medical Assistance
and Health Services