

This matter concerns the denial of Petitioner's February 2015 application for Medicaid benefits. Petitioner had been adjudicated incompetent in July 2014 and the Office of the Public Guardian (OPG) was appointed his guardian. Hudson County requested documents and more information in conjunction with the application. In June 2015, Hudson County contacted the OPG as it had learned that Petitioner was no longer at the nursing home. It appears that Petitioner's whereabouts were unknown. On October 13 2015, Hudson County sent a final notice requesting documents including bank statements and identification documents. Some documentation was received and, as a result, Hudson County issued a new notice on January 14, 2016 that sought a copy of divorce decree, proof of citizenship and documentation regarding two transactions for \$38,792.10 and \$109,408.57. R-2. Nothing was received by the January 28, 2016 due date and the case was denied on February 20, 2016. Based on my review of the record and for the reasons set forth below, I hereby ADOPT the Initial Decision.

The issue below was whether Petitioner timely provided the necessary verifications for Hudson County to make an eligibility determination. 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 circumstance. 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

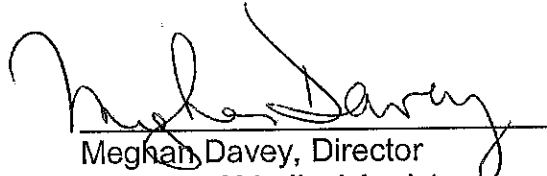
applicants in exploring their eligibility; make known the appropriate resources and services; assure the prompt accurate submission of data; and promptly notify applicants of eligibility or ineligibility. N.J.A.C. 10:71-2.2(c) and (d). CWAs must determine eligibility for Aged cases within 45 days and Blind and Disabled cases within 90 days. N.J.A.C. 10:71-2.3(a); MedCom No. 10-09, and Fed. Reg. 42 CFR § 435.91. 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 regulation does not require Hudson County to 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, an extension is permissible. N.J.A.C. 10:71-2.3; S.D. vs. DMAHS and Bergen County Board of Social Services, No. A-5911-10 (App. Div. February 22, 2013). There is simply nothing in the record to demonstrate Petitioner, through the OPG, asked for, or that there were exceptional circumstances warranting, additional time to provide the requested verifications.

The Initial Decision determined that Petitioner’s application was properly denied. The final deadline was January 28, 2016 nearly a year after the application was filed. ID at 6. The ALJ noted that Hudson County requested “a clear and succinct explanation regarding the source of” several transactions. ID at 5. Petitioner failed to provide an explanation as well as missing documents until more than six months after the deadline. Thus, I hereby ADOPT the Initial Decision upholding the February 22, 2016 denial.

THEREFORE, it is on this ^{23rd} day of MARCH 2017

ORDERED:

That the Initial Decision is hereby ADOPTED.



Meghan Davey, Director
Division of Medical Assistance
and Health Services