



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Director

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

V.W.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MONMOUTH COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 12941-2016

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the case file and the documents in evidence. Petitioner filed exceptions. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is April 27, 2017 in accordance with an Order of Extension.

This matter concerns the denial of Petitioner's December 2015 application for Medicaid benefits. Over the course of seven letters and five months Monmouth County requested documents and more information in conjunction with the application. See R-3 et al. On July 22, 2016, Monmouth County denied the case for failure to provide verification of unexplained cash deposits made to Petitioner's account. Petitioner, through counsel, submitted more documentation regarding the deposits but Monmouth County noted that the withdrawals from the daughter's account did not match up to the amount and date of deposits in Petitioner's account. R-11. The case remained denied and Petitioner requested a fair hearing.

The Initial Decision upheld the denial. In doing so, the ALJ noted that Monmouth County responded to Petitioner's submissions and gave Petitioner more than sufficient time. Petitioner's submissions were described as "raw data (in the form of deposit slips or checking-account registers)." Indeed the record contains multiple photocopies of a handwritten check ledger that does not provide any explanation for the transactions. Monmouth County's review of the new information provided in August 2016 found the same problem that the withdrawal and deposit amounts and dates did not match. See R-11.

In exceptions, Petitioner argues that she provided the information and referenced R-11. However, Monmouth County pointed to three examples where the withdrawals offered as an explanation exceeded the cash that was eventually deposited in Petitioner's account. In the first example, the withdrawals occurred up to two weeks before the deposit to Petitioner's account. In the last example, the withdrawals occurred up to 24 days after the deposit to Petitioner's account.

Absent an explanation of the daughter and son-in-law's financial transactions, the documents are meaningless.¹

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 Monmouth 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.

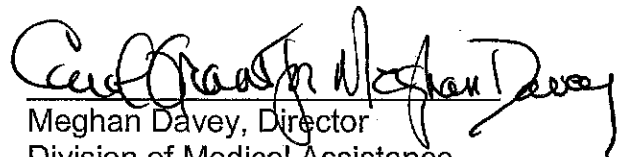
¹ Even the final submission presented at the hearing on January 6, 2017 is confusing. For example, the February 19, 2013 deposit of \$1,000 to Petitioner's account was identified as coming from three separate withdrawals on February 19th and one on February 15th. Exhibit H of this document provided bank statements bracketed transactions. Those bracketed transactions total \$1,700 in withdrawals spanning from February 1, 2013 to February 19, 2013 and does not include the last withdrawal on February 19th. It is unclear how Monmouth County would have been able to discern the origin of the \$1,000 deposit without a narrative explaining which bracketed and unbracketed withdrawals from her son-in-law's account should be considered.

N.J.A.C. 10:71-2.3(c). The regulation does not require Monmouth 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 that there were exceptional circumstances warranting, additional time, to provide the requested verifications. Monmouth County communicated the problems with the documents and granted Petitioner additional time to supply a comprehensive explanation the financial transactions. It was not done by the deadlines or the extensions. Thus, I hereby ADOPT the Initial Decision upholding the denial. Petitioner may always reapply.

THEREFORE, it is on this ^{20th} day of APRIL 2017

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services