

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).

Here, an application for the NJ FamilyCare aged, blind, disabled program (NJFC) was filed on the Petitioner's behalf with the Atlantic County Department of Family and Community Development (Board) on August 31, 2022. R-1. Of note, this was the first of four applications filed by the petitioner¹, and this appeal deals with the denial of Petitioner's first application dated August 31, 2022 and denied on October 12, 2022.

¹ A second application was filed on October 26, 2022, and a third on December 30, 2022, both of which were denied for failure to provide information. The fourth application was filed on April 28, 2023 and was pending at the time the Initial Decision

On September 1, 2022, the Board sent the first Request for Information (RFI) to the attorney for petitioner's designated authorized representative (DAR), requesting various documentation and verifications including, but not limited to, Admit 33, Divorce Decree, Qualified Income Trust (QIT) schedule A completed indicating which form of income will be funding the account and account information, QIT statement showing income funding, statements for PNC account ending in 2753 from August 2017 to July 11, 2022, statements for PNC account ending in 5809 from August 2017 to July 15, 2022, verification of where the Lincoln investment distributions were going, Lincoln Investment account deposit image of initial deposit in the amount of \$ 9,281.78, and answers to all RFI questions. The deadline for submission of the requested documentation was noted in the RFI as September 15, 2022. (R-1, P. 25-34.)

Because the requested information was not received by the deadline in the RFI, on September 21, 2022, the Board sent a second RFI to the attorney for petitioner's DAR requesting additional documentation and verifications including, but not limited to, P4A, pension verification, Prudential retirement account statements from August 2017 to closing, statements for PNC account ending in 2753 for August 2017-December 9; 2020; March 10, 2020 – April 8, 2020; October 9, 2020 – November 9, 2020; August 10, 2021 – September 9, 2021; and all check, withdrawal and non-electronic deposit images, including images of deposited checks \$500 and over, check images for PNC account ending in 5809 for # 7135 - \$729 dated April 19, 2022; #7131 - \$729 dated February 15, 2022; #7129 - \$729 dated January 14, 2022; and all check, withdrawal and non-electronic deposit images, including images of deposited checks \$500 and over, the Amica Insurance policy, and answers to all RFI questions. The deadline for submission of the requested documentation was noted in the RFI as October 5, 2022. (R-1, P. 35-38)

was entered.

On October 12, 2022, the Board denied Petitioner's application, stating that "Individual failed to provide requested information required to determine eligibility in a timely manner." (R-1, P. 20-21.) Mary Lange testified on behalf of the Board that at the time of denial the following documentation still had not been submitted: pension verification, divorce decree, QIT statements, Prudential Retirement Fund accounting, withdrawal and deposit images for PNC account 5809, statements for PNC account 8222. (Fair Hearing Tr. 14:3-16:24, July 7, 2023)

On November 29, 2022, forty-eight days after the denial notice was issued, Adam DiLeo, Esq., attorney for the petitioner's DAR, sent the Board information relating to some previously requested items². The information packet also contained a letter from attorney DiLeo stating: "PNC bank is retrieving the remaining statements for account 8222, which we were only able to identify today. We will provide them as soon as we receive them." (R-1, P. 43-53.)³ No extension for more time to provide the same was ever requested, nor was a timeframe given regarding when the outstanding documentation would be provided. The petitioner failed to provide the requisite documentation and verifications by the respective deadlines, and as such the Division issued a denial letter based on the determination that the "individual failed to provided requested information required to determine eligibility in a timely manner." (R-1, P. 20-21.) However, even if the documentation provided had been completely responsive, the denial of Petitioner's application was based on his failure to provide the requested verifications within the required time period. As such, regardless of whether the documentation provided would have been responsive to the requests, the documentation was not timely provided to the Board prior to the denial of the Petitioner's application.

² Attorney DiLeo sent the Board the following: Divorce Decree; Amica Insurance Policy; Pension verification; and Prudential statements. Several pieces of information were missing, however, namely information regarding three PNC Bank accounts.

³ Information regarding the PNC bank account ending in 8222 was requested in the September 21, 2022 RFI.

The Initial Decision upholds the denial and I concur. Both the CWA and the applicant have responsibilities with regard to the application process. N.J.A.C. 10:71-2.2. The Board's requests for information made on September 1, 2022 and September 21, 2022 were clear and unambiguous. Plaintiff failed to provide the requested information within the requisite time period set forth in the RFIs.

The Board was responsible for determining whether Petitioner's resources exceeded the resource limit to qualify for benefits. N.J.A.C. 10:71-4.1(a). Unless specifically excluded, all resources are considered when determining Medicaid eligibility. N.J.A.C. 10:71-4.1(b). Petitioner received at least two written requests for information in relation to multiple financial accounts. As the value of the accounts were germane to Petitioner's eligibility determination, the documentation was necessary for the Board to process Petitioner's application and determine if he met the eligibility requirements. Petitioner's failure to provide the requested documentation appropriately resulted in the denial of his application. Further, and as noted by the ALJ, no extension of time was requested by Petitioner or his DAR in order to provide the requested information and even so, no exceptional circumstances were presented in this matter that would have necessitated an extension of time to provide same, pursuant to N.J.A.C. 10:71-2.3(c).

Between the first RFI letter dated September 1, 2022 and the denial of Petitioner's application on October 12, 2022, Petitioner and her DAR were given 41 days to provide the documentation requested. At the time of the denial, Petitioner's DAR failed to provide responsive requests to the multiple verification requests. Without that requested documentation, the Board was unable to make a determination related to Petitioner's eligibility and appropriately denied Petitioner's application. Additionally, Petitioner's DAR failed to request any extensions of time to provide the requested documentation and no

exceptional circumstances existed in this matter that would have necessitated such an extension.

Thus, for the reasons set forth above and those contained in the Initial Decision, I hereby ADOPT the Initial Decision's conclusion that the Board properly denied Petitioner's application.

THEREFORE, it is on this 20th day of FEBRUARY 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Gregory Woods OBO JLJ

Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance and Health Services