

This matter arises from the Bergen County Board of Social Services' (BCBSS) July 12, 2023 determination letter, which terminated Petitioner's Medicaid benefits, effective July 31, 2023, for not meeting citizenship requirements. Petitioner appealed the BCBSS's determination. The Division of Medical Assistance and Health Services (DMAHS) transmitted the matter to the Office of Administrative Law (OAL), where it was filed on October 3, 2023, as a contested case. On November 16, 2023, the Court heard testimony from the BCBSS's representative and Petitioner's brother, who is acting as Petitioner's representative in this matter.

The Initial Decision in the matter found that the BCBSS was correct to terminate Petitioner's Medicaid benefits, as Petitioner is not an alien, lawfully admitted for permanent residence after having been present in the United States for five years. The Initial Decision additionally found that although Petitioner has applied for asylum, pursuant to the Immigration and Nationality Act, she has not provided documentation to prove that such status has been granted. Based upon the record below, I concur with the Initial Decision's conclusion that Petitioner has not to date successfully demonstrated that termination of Petitioner's Medicaid benefits was inappropriate in this matter.

However, in Petitioner's Exceptions filed to the Initial Decision, she argues and provides supporting evidence that she previously requested a copy of her case file. She indicates that she did not receive these records prior to the hearing; the record is unclear as to whether said file was provided to Petitioner by the BCBSS either prior to or during the underlying hearing in this matter. Petitioner also plausibly points to potential deficiencies in the original notice that the BCBSS provided in June 2022 informing her eligibility under a reasonable opportunity period. As a result of these omissions and/or deficiencies, Petitioner may have been unable to fully present arguments at the underlying hearing that could have supported her position.

Accordingly, I am REMANDING the matter to OAL for BCBSS to provide Petitioner with her the case file and give Petitioner the opportunity to present her arguments after a full review of the documentation contained therein. Additionally, upon remand, Petitioner shall present documentation showing any past or present immigration status that may be relevant to her continued eligibility for Medicaid benefits. As part of this process, Petitioner shall also provide all documentation and status updates related to all applications that she has made and are pending/were denied with the U.S. Citizenship and Immigration Services (USCIS).

Thus, for the reasons set forth above, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this 26th day of FEBRUARY 2024,

ORDERED:

That the Initial Decision is hereby REMANDED in accordance with this decision.

Gregory Woods

OBO JLJ

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