



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 06778-26

AGENCY DKT. NO. N/A

B.G.,

Petitioner,

v.

**UNION COUNTY BOARD OF SOCIAL
SERVICES,**

Respondent.

Michael Heinemann, Esq., for petitioner (Law Office of Michael Heinemann,
PC, attorneys)

Yesmin Y. Diaz, Assistant County Counsel, for respondent (Bruce H. Bergen,
County Counsel)

Record Closed: July 6, 2026

Decided: July 13, 2026

BEFORE, **MINDY GENSLER, ALJ:**

STATEMENT OF THE CASE

B.G. was cooperating in good faith with Union County, a County Social Services Agency (CSSA), and provided evidence of eligibility for Medicaid, except one item. Must Union County give B.G. additional time to provide evidence of eligibility before denying

his application? Yes. When the applicant is cooperating in good faith, a CSSA must grant the applicant more time to supply additional evidence of eligibility before denying an application. See N.J.A.C. 10:71-2.3 and Medicaid Communication 22-04,

PROCEDURAL HISTORY

On May 11, 2025, B.G.'s designated authorized representative (DAR) applied to Union County Board of Social Services (Union County), a CSSA, for Managed Long-Term Services and Supports (MLTSS) Medicaid benefits.

On September 2, 2025, Union County denied the application for failure to provide the requested verifications.

Thereafter, the DAR appealed the determination and requested a fair hearing.

On April 28, 2026, the Division of Medical Assistance and Health Services (DMAHS) transmitted the case to the office of Administrative Law (OAL) as a contested case under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the Act establishing the Office of Administrative Law, N.J.S.A. 52:14F-1 to -23.

On June 12, 2026, I held the hearing and granted B.G.'s request to submit a post hearing brief by June 22, 2026. I also allowed Union County to submit a reply by July 6, 2026.

On June 22, 2026, B.G. submitted his post hearing brief.

On July 6, 2026, Union County informed me that they would not be submitting anything additional and would be relying on the evidence and testimony provided at the hearing, so I closed the record.

FINDINGS OF FACT

Based on the testimony the parties provided and my assessment of their credibility, together with the documents the parties submitted and my assessment of their sufficiency, I **FIND** the following **FACTS**:

On May 11, 2025, the DAR applied for MLTSS on behalf of B.G.

On July 18, 2025, Union County issued a Request for Information (RFI) explaining that B.G.'s application could not be processed until the information requested was received. The RFI asked for a variety of information, including bank statements from two different Wells Fargo accounts.

On August 6, 2026, the DAR sent a letter stating that most of the requested documents were enclosed in the letter and asking whether any additional information was needed to process B.G.'s application.

Although the DAR sent the statements from one Wells Fargo account, the DAR did not include the Wells Fargo January 1, 2025, to July 1, 2025 statements for the other account.

On September 2, 2026, Union County denied B.G.'s application for failure to provide the Wells Fargo statements.

CONCLUSIONS OF LAW

New Jersey participates in Medicaid through the New Jersey Medical Assistance and Health Services Act, N.J.S.A. 30:4D-1 to -19-5. The Division of Medical Assistance and Health Services (DMAHS) is responsible for administering Medicaid. N.J.S.A. 30:4D-5. Through its regulations, DMAHS establishes policy and procedures for processing Medicaid cases. N.J.A.C. 10:71-2.2(b). The CSSA processes applications for Medicaid benefits and determines whether an applicant meets the financial eligibility requirements. N.J.A.C. 10:71-3.15(a).

Regarding the application process, both the applicant and CSSA have responsibilities. N.J.A.C. 10:71-2.2. Applicants must complete any forms required by the CSSA; assist the CSSA in securing evidence that corroborates his or her statements; and promptly report any changes affecting his or her circumstances. N.J.A.C. 10:71-2.2(e). The CSSA must inform applicants about the process, eligibility requirements, and the right to a fair hearing. The CSSA must also receive applications, help applicants explore their eligibility, advise them about appropriate resources and services, assure the prompt and accurate submission of data, and promptly notify applicants of eligibility or ineligibility. N.J.A.C. 10:71-2.2(c) and -2.2(d). The CSSA is required to determine eligibility for Aged cases within forty-five days and Blind and Disabled cases within 90 days. N.J.A.C. 10:71-2.3. This timeframe may be extended when documented exceptional circumstances arise preventing the processing of the application within the prescribed time limits and a CSSA may afford the applicant additional time to develop additional evidence of eligibility before final action on his or her application. N.J.A.C. 10:71-2.3(c).

State agencies must "turn square corners' with the public they serve in carrying out their statutory responsibilities." W.V. Pangborne & Co. v. N.J. Dep't of Transp., 116 N.J. 543, 561-62 (1989). When this "bedrock principle" is read together with the above regulations, the CSSA "and the petitioner ha[ve] a duty under the regulations to take affirmative steps to communicate with each other regarding the . . . pending application. The scope of this joint duty clearly includes the parties' efforts to clarify prior communications about a pending application." M.L. v. Essex County Division of Family Assistance and Benefits, 2025 N.J. Super. Unpub. LEXIS 407 at *9-10 (App. Div. March 18, 2025).

Medicaid Communication 22-04 also sets forth that if an applicant continues to cooperate in good faith, the time limit to respond may be extended.

Taken together, both Medicaid Communication 22-04 and the regulations contemplate that a CSSA may permit applicants extensions of time to provide required information when it is aware that the applicant has attempted to provide the information but has been unable to do so due to exceptional circumstances.

Here, B.G. acted in good faith. B.G. neither ignored the CSSA nor act in a dilatory fashion. In fact, the DAR sent the CSSA almost all the thirty-four items listed, and by the end of August 2025, the DAR provided all the information requested, except the Wells Fargo statements for one account. In addition, on August 6, 2025, the DAR explicitly asked the CSSA whether any additional information was needed to process B.G.'s application. Instead of responding to the letter and informing the DAR that the Wells Fargo statements were not enclosed, the CSSA denied the application on September 2, 2025.

B.G. acted in good faith to submit all the information requested, save the banks statements that were inadvertently omitted, I **CONCLUDE** that Union County must extend the time limit for verification under N.J.A.C. 10:71-2.3(c) and **PROCESS** B.G.'s Medicaid application to determine eligibility for Medicaid.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that respondent must **EXTEND** the time limit for verification under N.J.A.C. 10:71-2.3(c) and **PROCESS** B.G.'s application to determine eligibility for Medicaid.

I **FILE** this initial decision with the **ASSISTANT COMMISSIONER OF THE DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**. This recommended decision is deemed adopted as the final agency decision under 42 U.S.C. § 1396a(e)(14)(A) and N.J.S.A. 52:14B-10(f). The **ASSISTANT COMMISSIONER OF THE DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES** cannot reject or modify this decision.

If you disagree with this decision, you have the right to seek judicial review under New Jersey Court Rule 2:2-3 by the Appellate Division, Superior Court of New Jersey, Richard J. Hughes Complex, PO Box 006, Trenton, New Jersey 08625. A request for judicial review must be made within 45 days from the date you receive this decision. If you have any questions about an appeal to the Appellate Division, you may call (609) 815-2950.

July 13, 2026

DATE



MINDY GENSLER, ALJ

Date Received at Agency:

July 13, 2026

Date Mailed to Parties:

July 13, 2026

cc

APPENDIX

Witnesses

For Petitioner:

None

For Respondent:

Darren Jenkins, II, Human Service Specialist 3

Exhibits

For Petitioner:

None

For Respondent:

- R-1 May 11, 2025 Application
- R-2 January 30, 2025 DAR form
- R-3 July 18, 2025 Request for Information
- R-4 August 6, 2025 DAR's response to RFI