



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Medical Assistance and Health Services

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Acting Commissioner

GREGORY WOODS
Assistant Commissioner

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

B.K.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MIDDLESEX COUNTY BOARD

OF SOCIAL SERVICES,

RESPONDENTS.

AND

E.K.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MIDDLESEX COUNTY BOARD

OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

(CONSOLIDATED)

OAL DKT. NO. HMA 15692-25

OAL DKT. NO. HMA 15695-25

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the OAL case file, the documents in evidence, and the Initial Decision. Neither party filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is June 11, 2026, in accordance with order of extension.

This matter concerns the Middlesex County Board of Social Services' (Middlesex County) failure to consider the application to include B.K. because a spousal information form, which is required for married couples applying together, was not submitted with the application.

The Petitioner's, B.K. and E.K., are husband and wife. ID at 3. On September 4, 2024, through counsel, Christine Hansen, an application for Medicaid benefits was submitted via an online application. Ibid. In the "Household Page Info" section of the application, E.K. was identified as the "applicant" and B.K. was identified as his "spouse." Ibid. In response to the question "Is the Spouse also applying for ABD [Aged, Blind, Disabled Medicaid programs]?", the answer "Yes" was checked. Ibid. Counsel Hansen certified that she believed that that application was made jointly on behalf of E.K. and B.K., because she answered "Yes," to this question, and that a second application for B.K. was not necessary. Ibid.

On March 10, 2025, counsel inquired about the status of the application the status of E.K.'s and B.K.'s eligibility. Ibid. She spoke to Martin Fitzgerald, a Middlesex County Employee, who informed her that Middlesex County did not receive an application for B.K., and directed her to submit a "separate paper application." Ibid. Counsel submitted a "spouse information form" on March 11, 2025.

On July 3, 2025, Middlesex County issued notices advising B.K. and E.K. that their applications were approved. E.K. was advised that he was approved effective August 1, 2024, but subject to a seventy-nine-day penalty, due to his transfer of \$35,000 between July 12, 2024, and August 20, 2024. His coverage thus began on October 19, 2024. Id. at 4. B.K. was advised that she was approved effective December 1, 2024, which was based upon a March 11, 2025, application date. Ibid. A transfer penalty was not imposed. Ibid.

The Initial Decision found that the September 4, 2024, application demonstrated that E.K. was the sole applicant and that B.K. was identified as the spouse. Id. at 10. E.K. was the focus of the questions, and the application never referred to Petitioner as a co-applicant. Ibid. The DMAHS website also includes clear guidelines instructing married couples seeking Medicaid eligibility to submit a spousal information form, which Petitioner failed to submit. Ibid. As a result, Middlesex County did not have sufficient information to determine B.K.'s eligibility, as the majority of the application questions sought information from E.K., the applicant. Ibid. Moreover, N.J.A.C. 10:71-2.2(e)(1) clearly requires that to determine eligibility as a married couple, the applicant must complete a spousal information form. Ibid. The ALJ concluded that B.K. is ineligible for is ineligible for Medicaid under the September 4, 2024 application and that the transfer penalty was properly assessed against E.K. Ibid.

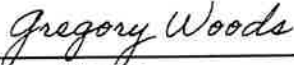
I concur with the ALJ's findings and conclusions. Eligibility as a married couple requires completion of the spousal information form. N.J.A.C. 10:71-2.2(e)(1). The September 4, 2024, application identified E.K. as the applicant and Petitioner as her spouse. The majority of the application questions were specific to E.K. and sought information to determine her eligibility, the application consistently referred to Petitioner as her spouse rather than as an applicant.

Based on the record before me, I hereby ADOPT the Initial Decision because Petitioner was listed as the spouse of E.K., not an applicant on the September 4, 2024, application. Accordingly, Middlesex County correctly declined to determine Petitioner's eligibility under N.J.A.C. 10:71-2.2(e)(1) until the spousal information form was submitted on March 11, 2025.

THEREFORE, it is on this 9th day of June 2026,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Gregory Woods, Assistant Commissioner
Division of Medical Assistance and Health Services