State of New Jersey

OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 21864-25

AGENCY DKT. NO. N/A

C.T.,[1]

Petitioner,

v.

UNION COUNTY BOARD OF SOCIAL SERVICES,

Respondent.

Jay Steinberg, Authorized Representative, for petitioner, (PrimeCare Planning Services)

Kelly Taylor, CWA Representative, appearing pursuant to N.J.A.C. 1:1-5.4(a)3, for respondent

Record Closed: June 23, 2026 Decided: August 7, 2026

BEFORE **EVELYN J. MAROSE**, ALJ (Ret'd, on recall):

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[1] The petitioner in this matter is C.T., who is appealing the denial of Medicaid benefits. His son R.T was inadvertently noted on the initial transmittal as the petitioner.

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

The Union County Board of Social Services ("CWA") denied the application of Petitioner, C.T., for Medicaid stating that all requested verifications were not timely provided. Petitioner's authorized representative (hereinafter referred to as "Petitioner") appealed the denial, on behalf of C.T.

The Division of Family Development transmitted the matter to the Office of Administrative Law ("OAL"), on December 16, 2025. On the date of the first scheduled telephonic Fair Hearing, February 13, 2026, petitioner advised the undersigned and the CWA representative (hereinafter referred to as the "CWA") that he had mailed documents, for consideration at the scheduled Fair Hearing, to the OAL the prior evening. Since that mailing did not allow enough time for receipt and review, with the consent of the CWA, the telephonic initial Fair Hearing was rescheduled to March 5, 2026. Telephonic Hearings, including testimony, were held on March 5, 2026, and June 8, 2026. The record was held open until June 23, 2026, to allow for the submission of supplemental documents and written submissions.

FACTUAL DISCUSSION AND FINDING OF FACTS

Based upon the evidence presented, including sworn testimony and documentation provided by the parties, plus with the opportunity to assess the credibility of the witnesses, I **FIND** the following to be the pertinent **FACTS**:

The CWA received an application for MLTSS Assisted Living for petitioner, a nursing home resident, on May 30 2025. (R-2.) Five months later, on October 30, 2025, in a second Request for Documents, (R-3.), the CWA requested, among other things:

1.) Quarterly statements for American Funds #****27, from 5/1/20-11/30/24 and monthly statements from 12/1/24 to 5/1/25;

2.) Quarterly statement for Lincoln Investment ****71, from May 1, 2020-11/20/24 and monthly statements from 12/1/24 to 5/1/25

3.) Quarterly statements for TD Ameritrade from 5/1/20-11/30/24 and monthly statements from 12/1/1/24 to 5/1/25

(R-4).

The CWA denied petitioner's application, effective November 24, 2025, for failure to provide all documents detailing the above referenced documents. (R-5)

Petitioner presented credible evidence of the diligent efforts that were made to communicate with the CWA and to compile and timely provide all requested documents, from the date of application, May 30, 2025, to the date that petitioner received the denial of Medicaid (dated November 24, 2025) on December 1, 2025. Petitioner provided the names of several caseworkers assigned during the processing of the application and detailed numerous specific efforts made to communicate with each assigned caseworker. Many attempts to communicate were unsuccessful and efforts to even leave a voicemail was impossible because of full mailboxes. (P-2, P-16-P-18.)

A Second Request For Information, whose compliance is at issue in this matter, was issued by the CWA on October 30, 2025, One Hundred and Fifty-Three days from petitioner's date of application and substantially later than required by regulation for a CWA to have completed processing. Petitioner details how he used best efforts to fully comply with this request on November 10, 2025, by logging into the NJ Family Care portal to upload the documents that the CWA requested to be provided by November 10, 2025. Petitioner details how the portal repeatedly returned errors and would not accept the documents in their original individual form, despite file sizes being well within the stated limits. Petitioner notes that to meet the deadline, which petitioner had every intention of doing, the materials had to be scanned again, consolidated and divided into three segments to fall within the portal technical constraints. After receiving confirmation of his numerous transmittals being successfully uploaded, petitioner

believed that the CWA had received all documents requested in the October 30, 2025 demand. Without any knowledge of any error of transmittal, petitioner telephoned the CWA several times after November 10, 2025, including November 21, 2025, and November 24, 2025, to make sure "nothing else was required." Again, petitioner could not reach the caseworker by telephone or leave a voice mail message since the voice mailbox was full. (P-16-P-18.)

Unfortunately, an error in transmittal was made. On November 10, 2025, the representative's office was also working on another client's application, and another client's documents were uploaded and provided to the CWA in petitioner's portal, without the petitioner's knowledge. Petitioner had no knowledge of this error, until December 1, 2025, when he investigated why the CWA might be asserting that it had not received any documents on behalf of petitioner on November 10, 2025. (P-8.)

If the CWA had reviewed petitioner's November 10, 2025, transmittal, it would have been obvious that the Agency had received another applicant's documentation, through transmittal in a portal that indicated that documents were being sent in connection with petitioner. (P-7.) Upon learning of this error, the caseworker could and should have informed the petitioner and the error could have immediately been "cured" by petitioner transmitting the documents that had been compiled in response to the CWA's October 30, 2025, second request for information--documents that petitioner erroneously believed had already been transmitted to the CWA on November 10, 2025.

As noted above, if petitioner had been able to speak to the caseworker, or leave a voice mail when he telephoned on November 21, 2025 (prior to the denial issued on November 24, 2025), petitioner would have learned that petitioner's November transmittal had not been successfully received by the CWA. Again, petitioner could not reach the caseworker by telephone or leave a voice mail message since the voice mailbox was full. (P-17.) Instead, petitioner's son was not able to communicate with a casework regarding the inadvertent error until December 1, 2025. Petitioner's December requests to submit the documents inadvertently not transmitted on

November 10, 2025 were denied. On December 29, 2025, the CWA advised petitioner that his only course of action was to reapply. Petitioner's son re-applied the same day. 2025.

LEGAL ANALYSIS AND CONCLUSION

One of the objectives of Medicaid is to "provide medical assistance to needy persons who are institutionalized in nursing homes as a result of illness or other incapacity." R.S. v. Div. of Med. Assistance & Health Servs., 434 N.J. Super. 250, 261 (quoting Russo v. Bd. Of Trs., Police & Firemen's Ret. Sys., 206 N.J. 14, 27 (2011) Typically, the maximum time to process a Medicaid application is forty-five days for aged and ninety days for the disabled or blind. When processing of the application is beyond the aforesaid days, the CWA should provide notification to the applicant on or before the expiration period, setting forth the specific reasons for the delay. N.J.A.C. 10:71-2.3. Medicaid applicants are the primary source of information required to establish eligibility for Medicaid benefits. N.J.A.C. 10:71-1.6(a)1. As indicated on the Medicaid application, to determine a petitioner's financial eligibility, the CWA is required to review the applicant's income and resources. Resources must be verified, with a sixty-month look back period. N.J.A.C. 10:71-4.10.

While an applicant has the primary responsibility to provide essential verification, State agencies must "turn square corners" in the exercise of statutory responsibilities of the public. The worker has a duty to communicate with the applicant regarding any missing documentation or deficiencies prior to denying an application. Where substantially reliable evidence is still lacking at the end of a designated period, the applicant can be continued in a pending status. N.J.A.C. 10:71-2.3(c). K.O. v Div. of Med. Assistance & Health Services, LEXIS 1587,17 (App. Div., Sept. 26, 2023). W.V. Pangborne & Co. v N.J. Dept. of Transp., 116 N.J. 543, 561-62 (1989.)

As noted above, petitioner is a nursing home resident. He filed the application at issue on May 30, 2025. The CWA never advised petitioner why the processing of his

application took some One Hundred, Seventy-Seven days (May 30, 2026, to November 24, 2026) when by regulation the time to process a Medicaid application is forty-five days for aged and ninety days for the disabled or blind.

During the processing of this application, petitioner made diligent efforts to communicate with the CWA, and to compile and timely provide the numerous documents requested by the CWA. (P-4.) Petitioner provided the names of several caseworkers assigned during the processing of the application and detailed numerous specific efforts made to communicate with each assigned caseworker. Many attempts by petitioner to communicate were unsuccessful and efforts to even leave a voicemail was impossible because of full mailboxes. (P-16 - P-18.)

The CWA served petitioner with a second request for information, dated October 30, 2025, with a due date for provision on November 10, 2026. After compiling the requested documents on the due date, petitioner had great difficulty uploading the documents through the NJ Family Care portal. However, after numerous transmittals petitioner, in good faith, believed that he had fully complied with the October 30, 2025 document request and provided all the requested documents to the CWA via the portal. Petitioner did not learn of an inadvertent error in transmittal until December, when he received a Letter of Denial, dated November 24, 2025, asserting that requested documents had not been received and investigated what was received by the CWA. The CWA never reached out to petitioner and advised him that the CWA had received documents relating to another application in a portal entitled with petitioner's name.

Had the CWA advised petitioner that it had received another applicant's documents in his portal, petitioner could have easily sent another transmittal with the correct documents, already complied, and the error would have been cured. The CWA never communicated with the petitioner and offered him a chance to "cure" in this case, what was an unintentional error and not a failure to comply, prior to issuing a letter of denial. The CWA also did not re-open the case when petitioner requested the right to immediately "cure" the deficiency in December 2025, when he learned of the error.

Accordingly, I **CONCLUDE** that petitioner inadvertently failed to transmit the documents demanded by the CWA by November 10, 2026. I also **CONCLUDE** that the CWA failed to "turn square corners" and permit petitioner to provide the documents in December 2025, that he believed in good faith that he provided in November 2026. I further **CONCLUDE** that while seeking to hold the petitioner to a regulatory time, the CWA took essentially twice as much time as provided in the regulations to process this application for petitioner, who resides in a nursing home, without even advising petitioner of why the CWA needed a longer period of time, a procedure which the CWA was required to do by regulation.

ORDER

Based upon the foregoing, it is **ORDERED** that the CWA's denial of Medicaid benefits to petitioner is vacated, and it is further

ORDERED that petitioner's application for Medicaid, dated May 30, 2025, be re-opened and returned to the CWA for processing; and it is further

ORDERED that petitioner be permitted to provide the CWA with the documentation that he erroneously thought was provided on November 10, 2025, in response to the CWA's Request for Information, dated October 30, 2025, within twenty days of the Final Decision in this matter.

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.

August 7, 2026

DATE

EVELYN J. MAROSE, ALJ (Ret'd, on recall)

Date Received at Agency: August 7, 2026

Date Mailed to Parties: August 7, 2026
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APPENDIX

WITNESSES

For Petitioner:

Jay Steinberg, Authorized Representative

R.T., Petitioner's Son

For Respondent:

Kelly Taylor, CWA representative

Modupeola Daramola, Fair Hearing Liaison

EXHIBITS

For Petitioner:

P-1 Medicaid Application (1 page only), dated May 30, 2025

P-2 List of Asserted Contacts/Attempts to contact the CWA, from May 30, 2025 to November 10, 2025 and after CWA denial from November 21, 2025 to February 13, 2025

P-3 Request for Information, dated 8/5/25, to be provided by August 19, 2026 to process the application

P-4 List of Document being requested as of 10/30/25

P-5 PA15, Notice of Denial, dated 11/24/25 (Duplicate of R-3)

P-6 Copies of Asserted Text Messages between RT and JS, petitioner's Authorized Representative, dated October 30, 2025, through November 26, 2025

P-7 Portal List, November 2025

P-8 E-mail from petitioner's representative to the CWA, dated 12/01/25, regarding portal error, and noting all documents requested. including the statements for

America Fund, Lincoln Investment and TD Ameritrade, being provided on or prior to 12/01/25

P-9 E-mail, dated 12/17/25, advising of need to re-apply since petitioner's May application had been denied and noting documents that were already provided would be attached to the new application

P-10 E-mails regarding possible decision to apply for a Fair Hearing

P-11 N.J.A.C. 10:71-2.3, Policy and Procedure for Prompt Disposition

P-12 Confirmation of Document Upload #A0000567015, noting dates of upload from 8/19/25 to 11/17/25, including three uploads on November 10, 2025

P-13 Emails between petitioner's representative and petitioner's son, from November 10, 2025 to November 26, 2025

P-15 Emails from either CWA representative or petitioner's representative or petitioner's son from October 10, 2025 to December 8, 2025

P-16 Petitioner initial statement in advance of Fair Hearing

P-17 Petitioner's 8-page written summation

P-18 Petitioner's 4-page second written summation, with attached exhibits

For Respondent:

R-1 CWA Letter Memorandum, dated 2/3/26

R-2 ABD Application, dated May 30, 2025

R-3 E-mail between petitioner's son and CWA regarding residential location of petitioner

R-4 E-mail from CWA representative, dated October 30, confirming documents that were still being requested for processing

R-5 Notice of Denial, dated 11/24/25

R-6 Citation N.J.A.C. 10:71-2.2, Responsibilities in the Application Process