



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Medical Assistance and Health Services

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Assistant Commissioner

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

D.D.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

ATLANTIC COUNTY DEPARTMENT

OF FAMILY AND COMMUNITY

DEVELOPMENT,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 01461-26

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is July 2, 2026, in accordance with an Order of Extension.

This matter arises from Atlantic County Department of Family and Community

Development (Atlantic County) terminating Petitioner from Medicaid, effective November 30, 2025, for failure to provide documentation. Petitioner appealed the termination. The Initial Decision found that the submitted Designated Authorized Representative (DAR) form is invalid and therefore the person named on the DAR form, Sarah Finkel, did not have standing to file a request for a fair hearing on behalf of Petitioner, and did not have standing to appear at the fair hearing.

Federal regulations permit a Medicaid applicant to designate an individual or organization to assist them with their application. 42 C.F.R. § 435.923(a)(1). An applicant can appoint an individual to serve as their DAR. The applicant must sign the designating document. 42 C.F.R. § 435.923(a)(1). An executed DAR is a limited power of attorney, which authorizes someone to serve as signer's attorney in fact. See N.J.S.A. 46:2B-8.1, et seq.; N.J.S.A. 3B:14-23.

In the Initial Decision, the Administrative Law Judge (ALJ) found that a request for a fair hearing was submitted to DMAHS by Sarah Finkel. ID at 3. Finkel attached a DAR form to the fair hearing request that was submitted to DMAHS. Ibid. After the ALJ received an adjournment request of the fair hearing in this matter from Finkel, the ALJ reviewed the transmittal paperwork OAL received from DMAHS, which included the DAR form. Ibid. The DAR form is on behalf of Petitioner, D.D., purportedly authorizing Sarah Finkel, from Future Care Consultants in Brooklyn, NY, to be Petitioner's appointed authorized representative. Ibid. On the second page of the DAR form is a signature for D.D. with a handwritten date of "10/16/2025" in a different handwriting style than D.D.'s signature. Ibid. A witness signed under D.D.'s signature area, with the printed name of the witness being Aviel Seleh. Ibid. The date of "10/16/2025" is written in next to Seleh's signature, which is the same format and style of handwriting as the date written in next to D.D.'s signature. Ibid. Next to Seleh's signature is a handwritten "X" with a handwritten

note "witness to previous signature." Ibid.

In the Initial Decision, the ALJ concludes that the applicant's signature on the DAR form must be witnessed by someone and that on this DAR form, D.D.'s signature has not been properly witnessed. ID at 4. The witness included a handwritten note that they "previously" witnessed D.D.'s signature. Ibid. They did not witness D.D.'s signature on October 16, 2025. Ibid. The ALJ further states that there is reason to question whether D.D. did in fact sign the form on October 16, 2025, since the date was apparently written by the same person who wrote the date for the witness's signature, in the same style and format. Ibid.

The ALJ concluded that an applicant or recipient of Medicaid "may be represented by an attorney or by a relative, friend, or other spokesperson." N.J.A.C. 1:10B-5.1; 42 C.F.R. § 431.206(b)(3). ID at 5. If D.D. properly appointed a relative, friend, or other spokesperson, that individual would have standing to appear for D.D. Ibid. The ALJ further concluded that the DAR form submitted by Sarah Finkel was invalid and therefore she did not have standing to request a fair hearing or appear for D.D. at a fair hearing. Ibid. I agree.

The main purpose of the NJ FamilyCare DAR form is two-fold. First, to ensure the applicant/petitioner consents to and provides authorization for a designated authorized representative to represent their interests during the Medicaid application process. Second, to inform DMAHS (and/or the OAL) the applicant/petitioner is represented by a third party. The only way to ensure the integrity of the process where Petitioner is knowingly authorizing the representative listed on the DAR form is for the DAR form to be completely filled out, signed, and witnessed contemporaneously. The point of a subscribing witness is to attest under oath, if necessary, that they witnessed the person execute the document on the date listed on the document. The handwritten note "witness

to previous signature" clearly indicates that the signature on this DAR form was not witnessed by Aviel Seleh on 10/16/2025.

Thus, based on the record before me and for the reasons enumerated above, I hereby ADOPT the Initial Decision and FIND that the case must be dismissed for lack of standing by Sarah Finkel to have filed a request for a fair hearing on behalf of Petitioner.

THEREFORE, it is on this 1st day of JULY, 2026

ORDERED:

That the Initial Decision is hereby ADOPTED.

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