



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 02222-26

Medicaid Only
Excess Resources Appeal
N.J.A.C. 10:71-4

D.P.

Petitioner,

v.

Union County Board of

Social Services

Respondent.

For petitioner: Ryann Siclari, Esq.

For respondent: Steve Hockaday, Esq.

BEFORE: Andrea Perry Villani, ALJ

STATEMENT OF THE CASE

Respondent denied petitioner's Medicaid Only application due to excess resources under N.J.A.C. 10:71-4.5.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I.

- I **FIND** that petitioner or petitioner's representative is **AUTHORIZED** to pursue this appeal; therefore, I **CONCLUDE** that petitioner has **STANDING** to pursue this appeal.
- I **FIND** that petitioner or petitioner's representative is **NOT AUTHORIZED** to pursue this appeal; therefore, I **CONCLUDE** that petitioner has **NO STANDING** to pursue this appeal.

II.

I **FIND** that:

- (1) Petitioner's **available and countable resources** total \$ 1,495.61
(N.J.A.C. 10:71-4.1, -4.2 for single individuals; N.J.A.C. 10:71-4.6 and -4.8 for married individuals)
- (2) The applicable **resource eligibility standard** is \$ 2,000.00 (N.J.A.C. 10:71-4.5)
- (3) Petitioner's **date of resource eligibility** is April 1, 2025 (N.J.A.C. 10:71-4.5) *(fill in if resources under applicable standard)*

III.

- I **CONCLUDE** that petitioner is over the applicable resource limit and is therefore resource **INELIGIBLE** for Medicaid Only benefits under N.J.A.C. 10:71-4.5.
- I **CONCLUDE** that petitioner is not over the applicable resource limit and is therefore resource **ELIGIBLE** for Medicaid Only benefits as of April 1, 2025 *(fill in date of eligibility)* under N.J.A.C. 10:71-4.5.

ADDITIONAL FINDINGS OF FACT/CONCLUSIONS OF LAW

On December 18, 2022, D.P.'s estranged husband, R.P., passed away. R.P. died intestate. On April 16, 2025, D.P. applied for Medicaid Only Managed Long Term Services and Supports. On December 1, 2025, Union County Board of Social Services (Agency) denied D.P.'s application.

The Agency denied D.P.'s application because they concluded that D.P. had resources over the \$2,000 limit. The Agency claims D.P. had the following resources at the time of her application: Bank of America (BOA) account #8260 (\$207.23); BOA account #0377 (\$1,288.38); M&T bank account #9594 (\$162.65); M&T bank account #3922 (\$601.29); and, a condominium in Newark, New Jersey (appraised at \$160,000).

However, the Newark condo and M&T bank accounts belonged to D.P.'s deceased husband, R.P.. R.P. was the sole owner of the Newark condo. The M&T bank accounts were joint accounts held by R.P. and his daughter, E.P..

R.P.'s Newark condo was in probate at the time that D.P. applied for Medicaid (P-7). Under N.J.A.C. 10:71-4.4(b)(6)(i), property in probate is an excludable resource that shall not be considered in the deeming of resources for participation in the Medicaid Only program.

R.P.'s M&T bank accounts were in the exclusive control of his daughter, E.P., at the time that D.P. applied for Medicaid (P-4). Because the bank accounts were titled in joint names, E.P. became the sole owner of the accounts when R.P. passed away. Upon R.P.'s passing, he no longer owned the accounts and, accordingly, they are not part of his estate (P-7). Even if the accounts were part of the estate, the estate was in probate when D.P. applied for Medicaid (P-7). Either way, D.P. had no access to these funds. Under N.J.A.C. 10:71-4.4(b)(6), the value of any resources that are not accessible to an individual through no fault of his or her own shall not be considered in the deeming of resources for participation in the Medicaid Only program.

Because R.P.'s condo and M&T bank accounts must be excluded from the deeming of resources, D.P.'s countable resources in her BOA accounts totaled only \$1,495.61 on April 1, 2025, and she was resource eligible for Medicaid Only on that date.

ORDER


I **ORDER** that:

- Petitioner's appeal is **DISMISSED** because petitioner has **NO STANDING**.
- Petitioner is resource **INELIGIBLE** for Medicaid Only benefits under N.J.A.C. 10:71-4.5.
- Petitioner is resource **ELIGIBLE** for Medicaid Only benefits as of April 1, 2025 under N.J.A.C. 10:71-4.5.

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.

03/05/2026
DATE



Andrea Perry Villani, ALJ
03/04/2026

Date Record Closed:

03/05/2026

Date Filed with Agency:

03/05/2026

Date Sent to Parties:

APPENDIX

Witnesses

For Petitioner:

None

For Respondent:

Barbara Sandargus, Human Services Specialist 4, Adult Medicaid Supervisor

Exhibits

For Petitioner:

- P-1 Death Certificate
- P-2 Application Confirmation
- P-3 Denial Letter
- P-4 M&T Bank Statements
- P-5 Letter from M&T Bank
- P-6 Letter from Union County Surrogate
- P-7 Letter from Estate Attorney
- P-8 Condo Deed
- P-9 Condo Appraisal
- P-10 Condo HUD Statement
- P-11 Bank of America Statements

For Respondent:

- R-1 Denial Letter
- R-2 M&T Bank Statements
- R-3 Condo Appraisal
- R-4 Condo Deed