State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
OAL DKT. NO. HMA 07779-26

New Jersey Care . . . Special Medicaid
Failure to Verify Eligibility Appeal
N.J.A.C. 10:72-2.1 and N.J.A.C. 10:72-2.3

J.P.,

Petitioner,

v.

UNION COUNTY BOARD OF SOCIAL SERVICES,

Respondent.

For petitioner: Eliyahu Pekier, Esq. (Law Offices of Simon P. Wercberger, LLC)

For respondent: Steve Hockaday Esq.

BEFORE: Sandra L. Lascari, ALJ

STATEMENT OF THE CASE

Respondent denied petitioner's Special Medicaid application for failure to provide the following evidence of eligibility under N.J.A.C. 10:72-2.1(c) and 10:72-2.3(e):

Union denied the application asserting that Petitioner had "failed to provide... statements showing where the SSA benefits were deposited from 01/01/2022-12/01/2022 [and] 01/01/2023-07/26/2023."

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 petitioner did not provide all the necessary documentation under N.J.A.C. 10:72-2.1(c) and (d), and that no exceptional circumstances exist under N.J.A.C. 10:72-2.1(d)(2); therefore, I **CONCLUDE** that the Special Medicaid application must be **DENIED** under N.J.A.C. 10:72-2.1(c) and 10:72-2.3(e).

☐ I **FIND** that petitioner did not provide all the necessary documentation under N.J.A.C. 10:72-2.1(c) and (d), but that exceptional circumstances exist under N.J.A.C. 10:72-2.1(d)(2) *(note exceptional circumstances in "Additional Findings of Fact/Conclusions of Law")*; therefore, I **CONCLUDE** that the time limit for verification must be **EXTENDED** under N.J.A.C. 10:72-2.1(d)(2).

☐ I **FIND** that petitioner did not provide all the necessary documentation under N.J.A.C. 10:72-2.1(c) and (d); exceptional circumstances exist under N.J.A.C. 10:72-2.1(d)(2) *(note exceptional circumstances in "Additional Findings of Fact/Conclusions of Law")*; and petitioner has since provided all the necessary documentation; therefore, I **CONCLUDE** that the Special Medicaid application must be **PROCESSED** to determine eligibility under N.J.A.C. 10:72.

☐ I **FIND** that petitioner provided all the necessary documentation under N.J.A.C. 10:72-2.1(c) and (d); therefore, I **CONCLUDE** that the Special Medicaid application must be **PROCESSED** to determine eligibility under N.J.A.C. 10:72.

ADDITIONAL FINDINGS OF FACT/CONCLUSIONS OF LAW

On October 22, 2025, petitioner, J.P. applied for Medicaid Only Managed Long Term Services and Supports (MLTSS) with the help of his Designated Authorized Representative (DAR). R-1. On January 9, 2026, the respondent, Union County Board of Social Services (Agency) sent a Request for Information (RFI) (R-2) to the DAR seeking the following by January 23, 2026.

1) Provide statements from where J. P's SSA benefits were deposited from 01/01/2022-09/30/2025.
2) Provide quarterly statements from the account from 01/01/2022-12/31/2024 all pages showing the deposits, withdrawals and balances. Provide monthly statements from 01/01/2025-09/30/2025 all pages showing withdrawals, deposits and balances.
3) Provide the PNA account and resident landscape accounts from 06/2024 to 9/30/2025
4) A review of your Direct Express statement #3315 shows payment to NJ EZ pass. Provide the registration, insurance card, declaration page of the policy and a photo of the Odometer reading for the vehicle. If you no longer have the vehicle provide verification of what happened to the vehicle.

On January 26, 2026, the DAR submitted a response to the RFI. P-2. On February 4, 2026, the DAR requested confirmation that the submitted documents had been received and further requested that the County assess a transfer penalty based upon a transfer from Petitioner's account into E-Z Pass. P-2. The DAR subsequently followed up regarding the status of the application on February 18, 2026, and again on March 17, 2026. P-3

On March 12, 2026, the Agency denied the application asserting that Petitioner had "failed to provide... statements showing where the SSA benefits were deposited from 01/01/2022-12/01/2022 [and] 01/01/2023-07/26/2023." R-3.

On March 26, 2026, the DAR received the denial letter, notice of the outstanding documents, and promptly obtained and submitted the outstanding documents the same day to the Agency. R-4. Union County did not reopen the case to accept the documents.

Here the DAR had over three months to provide the documents from the Agency's first request for same in January 2026 until the denial in March 2026. A more careful review of the file by the DAR would have led to the discovery of the missing documents.

Also on March 26, 2026, the DAR filed a new application for MLTSS on J.P.'s behalf.

For all these reasons, I conclude that the Agency's actions were reasonable and no exceptional circumstances exist that warrant an extension of time for verification in this case.

ORDER

I **ORDER** that:

☐ Petitioner's appeal is **DISMISSED** because petitioner has **NO STANDING**.

☑ Petitioner's Special Medicaid application is **DENIED** under N.J.A.C. 10:72-2.1(c) and 10:72-2.3(e)

☑ Respondent must **EXTEND** the time limit for verification under N.J.A.C. 10:72-2.1(d)(2).

☐ The case be **RETURNED** to respondent for respondent to **PROCESS** the application to determine eligibility under N.J.A.C. 10:72.

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 24, 2026
DATE

Sandra L. Lascari
Sandra L. Lascari, ALJ

Date Record Closed: July 15, 2026

Date Filed with Agency: August 24, 2026

Date Sent to Parties: August 24, 2026

APPENDIX

Witnesses

For Petitioner:

DAR- Hadassa Taylor

For Respondent:

Teshana Gaskin HSS4, Supervisor, Adult Medicaid Specialist,
Modupeola Daramola, Fair Hearing Liaison

Exhibits

For Petitioner:

P-1 December 15, 2026 Email
P-2 January 26, 26 - March 17, 2026 Emails
P-3 Emails on RFI #2
P-4 RFMS 2022-2023
P-5 RFMS 2023
P-6 - P-13 Not in Evidence

For Respondent:

R-1 October 22, 2025 NJ Family Care Application with DAR form
R-2 January 9, 2026 Request for Information letter
R-3 March 12, 2026 Denial Letter
R-4 RPMS Statements & Emails