



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. HMA 02037-25

**Medicaid Only**  
**Failure to Verify Eligibility Appeal**  
**N.J.A.C. 10:71-2.2 and -2.3**

L.P.

\_\_\_\_\_  
\_\_\_\_\_  
Petitioner,

v.

MONMOUTH COUNTY  
DIVISION OF SOCIAL SERVICES

Respondent.

For petitioner: Simone Peart

For respondent: Heather Bishop, Human Services Specialist 3

BEFORE: Allison Friedman, ALJ

**STATEMENT OF THE CASE**

Respondent denied petitioner's Medicaid Only application for failure to provide the following evidence of eligibility under N.J.A.C. 10:71-2.2(e):

There were a total of nineteen items requested. R-2 Items not provided but requested were: Bank Statements, verification of pensions, explanations for transactions in excess of \$1000. Id.

**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. 10:71-2.2(e) and -2.3(a), and that no exceptional circumstances exist under N.J.A.C. 10:71-2.3(c); therefore, I **CONCLUDE** that the Medicaid Only application must be **DENIED** under N.J.A.C. 10:71-2.2(e).
- I **FIND** that petitioner did not provide all the necessary documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a), but that exceptional circumstances exist under N.J.A.C. 10:71-2.3(c) (*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. 10:71-2.3(c).
- I **FIND** that petitioner did not provide all the necessary documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a); exceptional circumstances exist under N.J.A.C. 10:71-2.3(c) (*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 Medicaid Only application must be **PROCESSED** to determine eligibility under N.J.A.C. 10:71.

- I **FIND** that petitioner provided all the necessary documentation under N.J.A.C. 10:71-2.2(e) and -2.3(a); therefore, I **CONCLUDE** that the Medicaid Only application must be **PROCESSED** to determine eligibility under N.J.A.C. 10:71.

**ADDITIONAL FINDINGS OF FACT/CONCLUSIONS OF LAW**

Monmouth County Board of Social Services (Agency) produced a fax cover sheet along with bank statements belonging to L.P. These documents were moved into evidence as P-4. The fax communication sheet purports that Simone Peart provided the documents to the Agency on September 10, 2024. Additionally, a certification submitted as evidence by Peart affirmed that she sent in the documents requested September 4, 2024, on September 10, 2024. Lastly, Peart testified that she submitted the documents requested September 10, 2024. However, the documents Peart swears she provided to the Agency September 10, 2024, had not been created until the end of October 2024. Specifically, the documents allegedly sent in on September 10, 2024, were bank statements for the entire month of September 2024 and the month of October 2024. Therefore I FIND that Simone Peart's testimony and purported September 10, 2024, correspondence with the Agency is not credible.

**ORDER**

I **ORDER** that:

- Petitioner's appeal is **DISMISSED** because petitioner has **NO STANDING**.
- Petitioner's Medicaid Only application is **DENIED** under N.J.A.C. 10:71-2.2(e).
- Respondent must **EXTEND** the time limit for verification under N.J.A.C. 10:71-2.3(c).
- The case be **RETURNED** to respondent for respondent to **PROCESS** the application to determine eligibility under N.J.A.C. 10:71.

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.

**April 7, 2026**

DATE

Date Record Closed:

Date Filed with Agency:

Date Sent to Parties:



Allison Friedman

, ALJ

03/19/2026

**April 7, 2026**

**APPENDIX**

Witnesses

For Petitioner:

Simone Peart, Designated Authorized Representative for L.P.

For Respondent:

Heather Bishop, Monmouth County Board of Social Services, Human Services Specialist 3

Exhibits

For Petitioner:

P-1 Peart Opening Statement

P-2 Affidavit of Peart

P-3 Medical letter regarding L. P.'s medical condition (not admitted)

P-4 September 10, 2024 fax transmission sheet and bank statements for September and October 2024.

For Respondent:

R-1 Application

R-2 First Letter

R-3 Denial Letter

R-4 N.J.A.C. 10:71-2.2(e)