



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 22055-25

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

M.L.

Petitioner,

v.

Monmouth County Division
of Social Services

Respondent.

For petitioner: David Nathan, Esq. (Waypoint Legal, attorneys)

For respondent: Kenneth Mantila, Fair Hearing Liaison

BEFORE: Mary Ann Bogan, 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):

The list of items listed in the November 3, 2025 request for information. (P- 5,R- 4).

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

On November 3, 2025, eight months after the petitioner filed a portal application for Medicaid the agency issued a request for information, with a due date of November 17, 2025. Sixteen days after the agency issued its first RFI it issued a denial letter. Petitioner testified that the RFI was not received. Petitioner also provided notarized certifications from persons responsible for intake and processing of the application, documenting the non receipt of the RFI. At the hearing , the agency acknowledged that after it issued the denial letter the letter it issued requesting information was returned in the mail as non deliverable.

ORDER

I **ORDER** that:

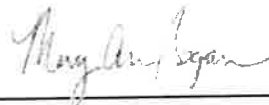
- Petitioner's appeal is **DISMISSED** because petitioner has **NO STANDING**.
- Petitioner's Medicaid Only application is **DENIED** under N.J.A.C. 10:71-2.2(e).
- Respondent must **EXTEND** the time limit for verification under N.J.A.C. 10:71-2.3(c).
- The case be **RETURNED** to respondent for respondent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

March 26, 2026

DATE



Mary Ann Bogan

, ALJ

03/06/2026

Date Record Closed:

Date Filed with Agency:

Date Sent to Parties:

APPENDIX

Witnesses

For Petitioner:

Melanie Basil

For Respondent:

Meridith Winick, HSS3

Exhibits

For Petitioner:

- P-1 Affidavits from Melanie Basil, Director of Comprehensive Planning, Waypoint Legal; Danielle Gadson, Intake Specialist; David Nathan, Esq.
- P-2 Portal entry application denied, November 20, 2025
- P-3 Denial Letter dated November 19, 2026
- P-4 Portal message from Waypoint Legal to MCDSS dated November 20, 2026
- P-5 Petitioner's Medicaid Application with mailing address
- P-5 Request for information dated November 3, 2025

For Respondent:

- R-1 Petitioner's Medicaid application, March 30, 2025
- R-2 N.J.A.C. 10:71-2.2(e) 2, Medicaid Communication 22-04
- R-3 Denial Letter issued November 19, 2025
- R-4 Request for Information dated November 3, 2025