



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 18716-2C

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

M.M.

Petitioner,

v.

MIDDLESEX COUNTY

BOARD OF SOCIAL SERVICES

Respondent.

For petitioner: Lee Ginsburg, Esq.

For respondent: Kurt Eichenlaub, 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):

1. Current Pension Statement detailing gross/net benefits and itemized deductions for \$215 pension listed on application. R-C
2. Verification of AAA Life Insurance whole life or term life with a letter stating face value amount or surrender value. 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

Here, M.M.'s power of attorney, her daughter Gisele Lahens-Dennis, testified that after a previously denied application for failure to provide information, she submitted the June 20, 2025, application with all of the information previously requested. Additionally, Dennis routinely checked the progress of the application on portal. About September 25, 2025, she noticed the status on the portal changed to waiting for documents. Not knowing what documents, Dennis called the Agency on September 26, 2025. Dennis had a seven minute conversation with an agent not assigned to this application. P-11 The agent told her that she would receive a letter that would list the documents needed to process. On September 30, 2025, the Agency left a message for Dennis. The message was hard to hear but seemed to indicate that she would receive a letter listing the documents needed. Id. On October 1, 2025, Dennis finally received the letter. The letter was dated September 12, 2025, with the information due September 26, 2025. There is no reason supplied by either Dennis or the Agency for the delay in the mail. Dennis immediately drafted a letter to the Agency. On October 2, 2025, Dennis emailed the letter she had written along with the requested documents. P-12 These actions support Dennis's testimony on the late receipt of the letter.

However the Agency had denied the application on October 1, 2025 and therefore did not consider the provided documents, as Kurt Eichenlaub explained at the hearing. As such I FIND the letter requesting information sent to the right address. I FIND Dennis received the letter too late to comply in the time allotted. I further FIND neither Dennis or the County had control over the delay. I further FIND Dennis acted immediately to gain information from the Agency, prior to the denial of the application and the Agency did not return the call with information until September 30, 2025, four days after the due date they set for the information. Lastly, I FIND the Agency did not consider an extension on September 26, 2025, or the received documents.

Therefore I conclude that exceptional circumstances do exist. Specifically, the circumstances were not wholly within the applicant's control, that the delay of the mail could not be avoided and existed wholly outside the control of the applicant and Agency.

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 6, 2026

DATE

Date Record Closed:

Date Filed with Agency:

Date Sent to Parties:



ALLISON FRIEDMAN, ALJ

03/13/2026

April 6, 2026

APPENDIX

Witnesses

For Petitioner:

Gisele Lahens-Dennis

For Respondent:

Kurt Eichenlaub, Human Services Specialist 3

Exhibits

For Petitioner:

- P-2 Drafted October 1, 2025, letter from Dennis to Agency
- P-3 Requested AAA Life Insurance information
- P-4 Requested Letter regarding pension
- P-5 Letter that accompanied the June 20, 2025 application with requested information from prior application
- P-6 Letter requesting information on a prior application and the prior application
- P-7 Initial Decision OAL HMA 02482-25
- P-8 Decision for M.L. V. Essex County Division of Family Assistance and Benefits
- P-9 N.J.A.C. 10:71-2.2
- P-10 NJAC 10:71-2.3
- P-11 Screen Shots of call log for Dennis
- P-12 Email dated October 2, 2025 from Dennis to the Case Worker, that included the October 1, 2025, letter and requested information

- P-1 Attorney Brief - not entered into evidence

For Respondent:

- R-A June 20, 2025 Application
- R-B Designated Authorized Representative Form
- R-C Request for Information Dated September 12, 2025
- R-D Notice of Eligibility
- R-E Citations
- R-F Exhibits submitted with the June 20, 2025 application