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**STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

M.O.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MEDICAID FRAUD DIVISION,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 17514-25

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Office of Administrative Law (OAL) case file, the documents in evidence, and the Initial Decision. Neither party filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is July 6, 2026, pursuant to N.J.S.A.

52:14B-10, which requires the Agency Head to adopt, reject, or modify the Initial Decision within 45 days of the agency's receipt.

Petitioner appealed the New Jersey Office of the State Controller, Medicaid Fraud Division's (MFD) decision disqualifying them from participation in the New Jersey Medical Assistance and Health Services program and terminating their provider status effective August 31, 2023. The main issue here is whether the Administrative Law Judge (ALJ) correctly applied N.J.A.C. 1:1-14.4(a) in dismissing Petitioner's appeal.

This matter was transmitted to the OAL on October 8, 2025. ID at 2. Multiple telephone conferences were scheduled throughout the proceedings. Ibid. Initially, Petitioner failed to appear at the January 13, 2026, conference due to incorrect contact information. Ibid. After the information was corrected and the notice was reissued, Petitioner again failed to appear at the February 4, 2026, conference and did not provide any explanation for their absence. Ibid. Subsequently, Petitioner attended the March 5, 2026, conference and requested a thirty-day adjournment to obtain legal representation, which was granted. Ibid. However, after receiving additional notices requesting updates regarding counsel, Petitioner failed to respond and again failed to appear at the May 8, 2026, conference. Ibid. Petitioner also did not provide any explanation for these non-appearances, despite being given the opportunity to do so. Ibid.

The ALJ relied on N.J.A.C. 1:1-14.4(a), which authorizes dismissal when a party, after proper notice, fails to appear and does not provide an explanation for the absence. ID at 3. The ALJ found that Petitioner repeatedly failed to participate in the proceedings, did not communicate with the OAL, and did not establish good cause for their repeated absences. Ibid. Accordingly, the ALJ concluded that dismissal of the appeal was warranted. Ibid.

Upon reviewing the Initial Decision, the record, and the applicable law, I concur with the findings and conclusions of the ALJ.

Pursuant to N.J.A.C. 1:1-14.4(a), if a party and their representative fail to appear at any scheduled proceeding after appropriate notice, the judge will hold the matter for one day. If no explanation or good cause for the absence is provided within that period, the judge directs the Clerk to return the case to the transmitting agency for appropriate disposition, which typically results in the dismissal or abandonment of the case.

The record demonstrates that Petitioner was afforded multiple opportunities to pursue their appeal and participate in the proceedings. Petitioner received notice of scheduled conferences, accommodations were made after the initial notice issue was identified, and additional time was granted to obtain legal representation. Despite these accommodations and repeated opportunities, Petitioner failed to appear at scheduled conferences, did not respond to requests for status updates regarding counsel, and did not provide any explanation establishing good cause for the repeated nonappearances.

The ALJ correctly applied N.J.A.C. 1:1-14.4(a), which permits dismissal when a party, after proper notice, fails to appear and does not provide a sufficient explanation for the failure to participate. The record supports the findings that Petitioner did not diligently pursue participation and did not demonstrate good cause excusing this conduct.

Therefore, the Initial Decision is ADOPTED, and Petitioner's appeal is hereby DISMISSED.

THEREFORE, it is on this 25th day of JUNE 2026,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Gregory Woods

Gregory Woods, Assistant Commissioner
Division of Medical Assistance and Health Services