



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 10891-25

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

M.O. _____

Petitioner,

v.

Monmouth County Board
of Social Services

Respondent.

For petitioner: Michael Heinemann, Esq., for petitioner (Law Office of Michael Heinemann, PC, attorneys)

For respondent: Kenneth Mantila, Human Services Specialist 4, for respondent pursuant to N.J.A.C. 1:1-5.4 (a)(3)

BEFORE: NICOLE T. MINUTOLI, 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):

October 2019, Oppenheimer mutual fund #0540, statement

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 October 9, 2024, petitioner's Designated Authorized Representative (DAR) filed an application for Medicaid under the Managed Long Term Services and Supports (MLTSS) program. Monmouth County Division of Social Services (Agency) sent its first and only Request for Information (RFI) on April 4, 2025, six months later, requesting financial verifications, including Oppenheimer mutual fund account number #0540 statements dating back to October 1, 2019.

On April 18, 2025, the DAR responded and provided financial information requested. For the Oppenheimer mutual fund #0540 statements, the DAR wrote "[p]lease see the attached statements from Oppenheimer. Please note, this account only generates yearly statements. Please see the attached history of the account which shows the balances each month." The yearly statements provided started on December 1, 2019. The history of the account also began December 2019, ending August 2024. Neither document provided included October 2019.

On June 3, 2025, the Agency issued its denial for missing verifications. At the time of the denial, the Agency stated that five matters were still not resolved. These being:

1. Oppenheimer mutual fund account #0540 statements;
2. \$176, 520.07 deposit from OPCO to Kearny account #4027 on 9/30/24;
3. \$1,586.50 deposit from OPCO to Kearny account #4027 on 9/5/24;
4. \$868.06 deposit to TD account #5189; and
5. \$100 deposit to TD account #5189.

However, in preparation for the underlying hearing, the Agency stated that all the issues were resolved except for the one month Oppenheimer statement for the month of October 2019.

The Agency waited six months before even reviewing the application and requesting additional information and documentation, which is well beyond the prescribed ninety-day time frame set forth in N.J.A.C. 10:71-2.3(a). The Agency offered no explanation for its failure to timely process the application or communicate with the DAR regarding the single outstanding item needed to determine Medicaid eligibility. N.J.A.C. 10:71-2.2(c) and (d).

Therefore, even though the October 2019 Oppenheimer statement had not been obtained, I **FIND** that petitioner did provide substantial responses that warranted consideration and review from the Agency, and this good faith effort warranted such consideration. I **CONCLUDE** that the Agency's denial of petitioner's application for Medicaid was not appropriate as the Agency failed to communicate with the petitioner's representative and assist as required by the regulations.

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.

5/19/2026

DATE

Date Record Closed:

Date Filed with Agency:

Date Sent to Parties:



NICOLE T. MINUTOLI

05/11/2026

APPENDIX

Witnesses

For Petitioner:

Rebecca Ehren, Supervisor

For Respondent:

Mindy Bernstein, HSS3

Exhibits

For Petitioner:

- P-1 Oppenheimer performance history, December 2019 through August 2024
- P-2 Oppenheimer performance history, September 2024

For Respondent:

- R-1 Application dated October 9, 2024
- R-2 RFI dated April 4, 2025
- R-3 Bank statements
- R-4 Bank statements
- R-5 SOLQ printout
- R-6 Complete Care invoices
- R-7 Copy of regulation
- R-8 Facsimile dated April 18, 2025
- R-9 Oppenheimer statements
- R-10 Denial letter dated June 3, 2025