



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 20749-25

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

N.B.

Petitioner,

v.

MIDDLESEX COUNTY BOARD
OF SOCIAL SERVICES

Respondent.

For petitioner: Barry M. Benson, Esq.

For respondent: Betsy Naranja, Social Service Specialist 3

BEFORE: JUDITH LIEBERMAN, 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):

Final accounting of estate of M.Q.; plan of liquidation of 27 N., Ave., Edison, NJ 08817;
Citibank account statements (****2311) from April 25, 2023 to present;
Capital One account statements (*****9555) from February 2025 to present;
Deposits and/or withdrawal transactions from the above accounts including check images; bank statements showing electronic transfers; and

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

Respondent was aware that a guardianship proceeding concerning petitioner was pending before the Superior Court and that petitioner's representatives could not access all of the information that respondent requested before the proceeding was finalized. Respondent granted an extension of the document production deadline to August 29, 2025, for this reason. On August 26, 2025, petitioner's counsel advised petitioner's case worker and her supervisor, via email, that the guardianship hearing was unlikely to occur on the scheduled date (August 28, 2025) and even if it occurred that day, petitioner's appointed guardian would then need to obtain letters of guardianship from the Surrogate Court and post a bond before he could act on behalf of petitioner and request the documents that respondent sought. Counsel confirmed on August 28, 2025, that the court proceeding would not occur that day. (P-C at 3). Counsel also confirmed that petitioner's banks advised that they would not release her records until after the court issued the guardianship letters. Because there was no way that this would be finalized before the August 29, 2025, deadline, petitioner's counsel asked for an additional extension. (P-A at 7). Also on August 26, 2025, petitioner's Temporary Pendente Lite Guardian sent an email to respondent in which he requested a sixty-day extension (thirty days to finalize the guardianship proceeding and thirty days to obtain and produce the information that respondent requested). (*Ibid.*).

Letters of Guardianship were issued on October 21, 2025, and petitioner's appointed guardian received it by on November 1, 2025. (B-2).

An employee of respondent acknowledged having received the above emails and a supervisor testified that they should have been in petitioner's file and the Board should have considered the extension requests. However, respondent did not acknowledge or otherwise respond to the extension requests and on September 5, 2025, it denied petitioner's Medicaid application for failure to respond to its request for information. The caseworker to whom the case was assigned credibly testified that the emails were not forwarded to her. Respondent thus did not consider the exceptional circumstances that made it impossible for petitioner to meet the August 29, 2025, deadline. Respondent acknowledged that petitioner's representatives communicated with it in good faith.

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.

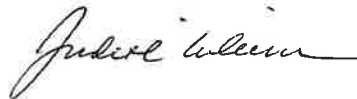
5/1/2026

DATE

Date Record Closed:

Date Filed with Agency:

Date Sent to Parties:



JUDITH LIEBERMAN

, ALJ

04/22/2026

APPENDIX

Witnesses

For Petitioner:

Darren M. Pfeil, Esq.
A.Q.
Cynthia Mellios
Katrina Lendel
Betsy Naranjo

For Respondent:

None (Petitioner called the Board's employees as witnesses.)

Exhibits

For Petitioner:

P-A

1. Application, December 13, 2024
2. Confirmation of application
3. Request for additional information, July 17, 2025
4. Letter, Pfeil to Mellios, July 23, 2025
5. Letter granting extension to August 29, 2025
6. Letter, Pfeil to Mellios, August 4, 2025
7. Letter, Pfeil to Benson, Mellios, Fitzgerald, August 27, 2025
8. Denial letter, September 5, 2025.

P-B

1. Judgment of Incapacity and Appointment of Guardian
2. Guardianship Certificate

P-C

1. Email Benson to Mellios August 26 2025

For Respondent:

R-A Application

R-B Denial notice

R-C Medicaid Communications No. 22-04 and 10-09 and 42 CFR 435

R-D Request for Information

R-E Request for Information (annotated)