



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 07056-26

AGENCY DKT. NO. N/A

R.R.C.,

Petitioner,

v.

ESSEX COUNTY BOARD OF

SOCIAL SERVICES,

Respondent.

Simon P. Wercberger, Esq., for petitioner, (Law Office of Simon P. Wercberger, LLC)

Mayra Velasquez, Family Support Worker, for respondent under N.J.A.C. 1:1-5.4(a)(3)

Record Closed: July 30, 2026

Decided: August 12, 2026

BEFORE, **GERARD HUGHES, ALJ:**

STATEMENT OF THE CASE

Petitioner, R.R.C., responded late to a request for information (RFI) concerning his Medicaid application after the Essex County Board of Social Services (Essex County)

denied the application. Must R.R.C.'s application be denied? Yes. A County Social Services Agency (CSSA) may not accept further documentation after it denies an application for failure to respond timely to an RFI and must instead direct the applicant to submit a new application. Medicaid Communication 22-04 (May 3, 2022).

PROCEDURAL HISTORY

On February 19, 2026, R.R.C. applied for Aged, Blind, and Disabled (ABD) Medicaid nursing home coverage.

On March 17, 2026, Essex County denied the application for failure to provide requested information in a timely manner, and R.R.C. requested a fair hearing.

On May 4, 2026, the Division of Medical Assistance and Health Services (DMAHS) transmitted this case to the Office of Administrative Law as a contested case under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the office, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6.

On July 30, 2026, I conducted the hearing and closed the record.

FINDINGS OF FACT

Based upon the testimony the parties provided and my assessment of their credibility, together with the documents the parties submitted and my evaluation of their sufficiency, I **FIND** the following as **FACT**:

R.R.C. resides at the Alaris Health Care at Cedar Grove Nursing Facility. On February 19, 2026, R.R.C., through his Designated Authorized Representative, Moshe Hirsch, applied for ABD Medicaid.

On March 2, 2026, Essex County sent Hirsch a request for information (RFI), requiring the following information by March 16, 2026: further information regarding

R.R.C.'s CD account, R.R.C.'s personal needs account balance for January and February 2026, a facility statement ledger from the time of admission, and five years of statements for any account where R.R.C.'s social security income was being deposited before the facility became the payee. Although Hirsch included an attachment to R.R.C.'s application where he asked to receive all notices through electronic mail purportedly under 42 C.F.R. 435.918, Essex County mailed the RFI to Hirsch's listed address in Brooklyn, New York. Hirsch did not receive the RFI in the mail, however, because he resides overseas and relies on staff at the Brooklyn office to email him all correspondence.

On March 11, 2026, after noticing that the online portal indicated that Essex County needed information regarding the application, Hirsch emailed Essex County, stating that he did not receive the RFI and asking that it be emailed to him. Hirsch did not request an extension of time to respond to the RFI. On March 12, 2026, Essex County emailed the RFI to Hirsch.

On March 17, 2026, Essex County denied R.R.C.'s application for failing to respond to the RFI by the deadline of March 16, 2026. On March 18, 2026, Hirsch responded to the RFI.

R.R.C. subsequently established eligibility for Medicaid effective March 2026.

CONCLUSIONS OF LAW

An applicant for Medicaid is required to complete, with assistance from the CSSA, any forms required by the CSSA as part of the application process, assist the CSSA in obtaining evidence that corroborates statements in the application, and report promptly any change in circumstances. N.J.A.C. 10:71-2.2(e). The CSSA also bears responsibility in the application process to inform applicants about the application process, receive applications, assist applicants in exploring eligibility for assistance, inform applicants about appropriate available resources and assist with their use, and assure the prompt and accurate submission of eligibility data for eligible persons and prompt notification to ineligible persons of the reasons for their ineligibility. N.J.A.C. 10:71-2.2(c).

A CSSA must determine eligibility for aged cases within 45 days and blind and disabled cases within 90 days. N.J.A.C. 10:71-2.3(a). These periods represent maximum time limits, however, and do not prohibit a CSSA from rendering eligibility determinations sooner. Id. Generally, a CSSA must determine Medicaid applications in a timely manner without undue delay. 42 C.F.R. 435.912. A CSSA may require an applicant to provide information necessary to make an eligibility determination and must afford the applicant a reasonable time to furnish this information. 42 C.F.R. 435.952(c). DMAHS directs CSSAs to allow an applicant 14 days to respond to an RFI, with the ability to grant a reasonable extension under exceptional circumstances. Medicaid Communication 22-04 (May 3, 2022). If an applicant fails to provide the requested information by the deadline, the CSSA must send a denial letter with applicable regulatory citations. Id. After the denial letter is sent, the CSSA may not accept further documentation. Id. Instead, the CSSA must inform the applicant to submit a new application, and verifications from the previous application will be used in the new application where applicable. Id.

A CSSA must provide individuals with a choice to receive certain notices and information electronically, including notices considering eligibility determinations, adverse actions, or fair hearing rights. 42 C.F.R. 435.918. A CSSA is not, however, required to send RFIs electronically. Id. Indeed, in response to a rulemaking comment concerning 42 C.F.R. 435.918 requesting that additional types of communications, including RFIs, be sent electronically, the Centers for Medicare and Medicaid Services responded that it did “not think it is appropriate or operationally feasible to require other types of communications to be provided electronically.” 78 Fed. Reg. 42160, 42171 (July 15, 2013).

In this case, Hirsch supplied no information requested by Essex County’s RFI within the 14-day deadline, requiring no further outreach from Essex County. Nor did he request or receive an extension of this deadline after he received the RFI. As such, Essex County properly denied R.R.C.’s application for his failure to respond to the RFI in a timely manner. The fact that Essex County mailed the RFI to Hirsch’s listed mailing address rather than emailing it as he requested does not excuse Hirsch’s failure to respond on

time because Essex County is not required to email RFIs. Accordingly, I **CONCLUDE** that R.R.C.'s Medicaid application must be denied.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that R.R.C.'s Medicaid application is **DENIED**.

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.

August 12, 2026

DATE



GERARD HUGHES, ALJ

Date Received at Agency:

Date Mailed to Parties:

GH/am

APPENDIX

Witnesses

For Petitioner:

Moshe Hirsch, Designated Authorized Representative

For Respondent:

Mayra Velasquez, Family Support Worker

Exhibits

For Petitioner:

- P-1 R.R.C.'s Medicaid Application, dated February 19, 2026
- P-2 Essex County's RFI, dated March 2, 2026
- P-3 Email from Hirsch to Essex County, dated March 11, 2026
- P-4 Email from Essex County to Hirsh, dated March 12, 2026
- P-5 Hirsch's Response to RFI, dated March 18, 2026
- P-6 Essex County's denial letter, dated March 17, 2026

For Respondent:

- R-1 Essex County's case notes concerning R.R.C.