



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. HMA 06693-26

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

S.S. \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

v.

ATLANTIC COUNTY DEPARTMENT OF  
\_\_\_\_\_  
FAMILY AND COMMUNITY DEVELOPMENT  
\_\_\_\_\_

Respondent.

For petitioner: Eliyahu Pekier, Esq. (Law Office Of Simon P. Wercberger, LLC, attorneys)

For respondent: Alysia Remaley, Assistant County Counsel (Atlantic County Department of Law, attorneys)

BEFORE: SUSAN MCCABE, 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):

- Bank of America deposit image in the amount of \$42,941
- Chase Bank deposit image in the amount of \$1,300

**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 July 30, 2025, petitioner, S.S., applied for Medicaid.

On August 18, 2025, respondent, Atlantic County Department of Family and Community Development (Atlantic County), sent a request for information (RFI) to S.S.'s then-home address as listed on his Medicaid application. The initial RFI set a deadline of September 1, 2025, and stated that "all deposits \$500 and over must clearly show where the funds came from."

On September 9, 2025, S.S. was admitted into a nursing facility.

On September 17, 2025, S.S. appointed Chayala Sanders, an employee of Nursing Future Care Consultants, as his designated authorized representative.

On October 16, 2025, Atlantic County sent a second RFI to Sanders with a deadline of October 30, 2025. Upon receipt, Sanders was unaware of the pending Medicaid application or the prior RFI. The second notice contained the same language requiring source proof for deposits of \$500 or more.

On November 12, 2025, Sanders submitted certain of the bank statements requested by Atlantic County.

On January 13, 2026, Atlantic County sent a third RFI with a deadline of January 27, 2026, reiterating the deposit-proof requirement. On January 17, 2026, Sanders emailed Marquerite Burgess, Human Service Specialist 3 and the case worker for S.S., to provide a status update and request that Burgess "keep the case open." Burgess did not formally respond to Sanders's request or issue another RFI. Nevertheless, the case file remained open to review and process Sanders' prior submissions.

On February 18, 2026, while Atlantic County was reviewing the file, Sanders submitted the final bank statements. Sanders forwarded these documents without reviewing them first, leaving two specific deposit proofs missing: a Bank of America deposit for \$42,941 and a Chase Bank deposit for \$1,300. As such, S.S. still failed to provide the requested information.

**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.

**June 25, 2026**

DATE

  
SUSAN MCCABE

, ALJ

06/22/2026

Date Record Closed:

Date Filed with Agency:

Date Sent to Parties:

**APPENDIX**

Witnesses

For Petitioner:

Chayala Sanders, designated authorized representative

For Respondent:

Baseemah McDaniel, Supervisor, Long Term Medicaid

Exhibits

For Petitioner:

- P-1 Bank of America request dated January 27, 2026
- P-2 Chase Bank requests dated January 16, 2026
- P-3 Emails for request for information dated October 16, 2025
- P-4 Emails for request for information dated January 13, 2026
- P-5 Emails for request for information dated January 13, 2026
- P-6 Bank of America statements dated February 19, 2025 to March 11, 2025
- P-7 Check images, undated

For Respondent:

- R-1 Medicaid Application dated July 30, 2025
- R-2 Notification of Eligibility dated March 17, 2026
- R-3 Request for Information dated August 18, 2025
- R-4 Request for Information dated October 16, 2025
- R-5 Request for Information dated January 13, 2026
- R-6 Bank of America statement dated February 19, 2025 to March 11, 2025
- R-7 Chase Bank statement dated November 18, 2022 to December 16, 2022