



An application was filed on Petitioner's behalf. The application was denied on August 5, 2019 for failure to provide verifications as well as evidence that a Qualified Income Trust (QIT) was set up. Rebecca Ehren of Senior Planning Services (SPS) requested an appeal of the denial and presented a Designation of Authorized Representative (DAR) form signed by Petitioner's daughter on August 12, 2019 that authorized her to make such a request. The matter, with the August 12, 2019 DAR, was transmitted to the Office of Administrative Law (OAL).

After an adjournment and delay in rescheduling requested by SPS, the hearing was held on December 13, 2019. At that day Abe Jankelovits appeared at the hearing in possession of another DAR signed on September 12, 2019 signed by Petitioner's daughter who asserts she holds Petitioner's Power of Attorney (POA). The Administrative Law Judge (ALJ) had a colloquy to determine who was authorized to appear for Petitioner at the hearing. He requested the POA documents but they were not produced.

Mr. Jankelovits placed a call to SPS but the outcome of that call is not reflected in the record. He requested to make another call to SPS "to obtain authority to adjourn the matter." ID at 3. If Mr. Jankelovits had authority to act for Petitioner, there would be no need to seek authority to adjourn the matter from SPS. The DAR form designates a representative for the applicant's interests. If Mr. Jankelovits is representing SPS at the hearing, the ALJ correctly noted that an employee cannot appear on the entities behalf.

Based on the findings in the Initial Decision, the ALJ concluded that no one with standing appeared on Petitioner's behalf at the hearing. Mr. Jankelovits did not cure the deficiencies raised by the ALJ either at the hearing or immediately afterwards. Additionally the exceptions filed on January 2, 2020 still do not address

In exceptions, Mr. Jankelovits alleges that the transmission of the matter by DMAHS deigns the DAR valid. However, the DAR presented at the hearing is not the one contained in the transmittal. The language in both the first and second DAR states that it must be

revoked in writing. Mr. Jankelovits provided no evidence that Petitioner or her POA had done so. Moreover, regardless of the transmittal, the ALJ has authority to ensure that that parties who appear at the hearing are properly authorized to do so. N.J.A.C. 1:1-5.1 and 1:1-5.4. At no time at the hearing or afterwards has Petitioner or her POA averred that authorization was granted. Indeed, Mr. Jankelovits' phone call at the hearing was to his employer and not to Petitioner or her POA who control the authorization for a representative to appear. Nothing in the exceptions proffers what an adjournment would have accomplished to demonstrate standing.


The admissibility of evidence is likewise in the purview of the ALJ. N.J.A.C. 1:1-14.6. Mr. Jankelovits appeared at the hearing without witnesses but sought to present banking documents for Petitioner and a partial email conversation between other parties. The Initial Decision reflects that there was no evidence to be offered to refute the denial for failure to provide financial verifications necessary to determine eligibility.

Thus, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this <sup>3<sup>rd</sup></sup> day of MARCH 2020,

ORDERED:

That the Initial Decision is hereby ADOPTED.

  
Jennifer Langer Jacobs, Assistant Commissioner  
Division of Medical Assistance  
and Health Services