



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

**INITIAL DECISION**

OAL DKT. NO. HMA 10264-25

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

J.M. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_,

Petitioner,

v.

**MONMOUTH COUNTY**  
\_\_\_\_\_  
**DIVISION OF SOCIAL SERVICES**  
\_\_\_\_\_,

Respondent.

For petitioner: Robert Murray, Esq. (The Murray Firm, attorney)

For respondent: Kenneth Mantila, Fair Hearing Liaison, appearing pursuant to N.J.A.C. 1:1-5.4(a)(3)

BEFORE: MARY ANN BOGAN, 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):

The agency states petitioner failed to provide requested verifications in response to the second request for verifications due April 25, 2025. The agency received the verifications on May 2, 2025—four days after the date of the denial notice dated April 28, 2025. (R-5.) Petitioner claimed that verifications were sent in a timely manner. A review of the verification from the Social Security Administration is dated April 27, 2025, and would not have been received in time to meet the April 28, 2025 due date. (R-8.)

**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**

**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.

**10/22/2025**

DATE

Date Record Closed:

Date Filed with Agency:

Date Sent to Parties:

  
MARY ANN BOGAN, ALJ

10/17/2025

**APPENDIX**

**Witnesses**

**For Petitioner:**

None

**For Respondent:**

Heather Bishop

Exhibits

For Petitioner:

None

For Respondent:

Agency Packet