



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

## **INITIAL DECISION**

OAL DKT. NO. HMA 09210-25

***Medicaid Only***

### ***Failure to Verify Eligibility Appeal***

**N.J.A.C. 10:71-2.2 and -2.3**

K.A.

**Petitioner,**

v.

MIDDLESEX COUNTY BOARD OF SOCIAL SERVICES

### Respondent.

For petitioner: Nickolas Rush, Designated Authorized Representative

For respondent: Carrie Flanzbaum, Human Service Specialist III

BEFORE: JOAN M. BURKE , 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):

Petitioner failed to provide statements for Santander bank accounts ending in 8373 and 4688.

### **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

Petitioner's representative, Nickolas Rush, completed an application under NJFamilyCare, Aged, Blind, Disabled programs on November 19, 2024. (R-A.) On March 26, 2025, the respondent, MCBSS, sent a request for information. Under the heading "**Additional Documentation Request**", it states: \*\* Resources/Assets: Provide statements for all accounts held in your name from 10/1/2024-11/1/2024 or till present date. This includes Santander bank account #. . . 8373 & . . . 4688 . . . & also bank account where your Social Security Income get deposited into. . . ." (R-B.) The requested information was due on April, 9, 2025. Ibid.

Respondent established through its Asset Verification System, that the petitioner's name was on both Santander accounts ending in 8373 and 4688. The balance in Santander bank account # ending in 8373 on December 2024 was \$270,683.03 and the balance in account ending in 4688 on December 2024 was \$128,120.83. The respondent received a letter from the "Brotherhood of Hope" dated March 31, 2025." (R-E.) The letter stated that "Brother K.A. is a member of the brotherhood of Hope. As a member of the Brotherhood of Hope, he has taken a Vow of Poverty. This being so, any income he would receive would be turned over to the brotherhood. He has no access to it." Ibid. In addition a letter written by the petitioner's representative, dated April 3, 2025, was also received by respondent. In the April 2025 letter, Mr. Rush states "I am in receipt of a request to provide statements for all accounts in Brother K's name and proof of where his Social Security is deposited. Brother K does not own the account in which his Social Security is deposited, nor does he have access to it. Therefore, he does not have the ability to provide any statements for the Account." Ibid. Nothing else was received from the petitioner. On April 12, 2025, the respondent notified the petitioner that his application was denied for failure to "provide requested information required to determine eligibility in a timely manner. 42CFR 435.952." (R-C.)

Petitioner's representative testified that the respondent should have sent a second request for information and specified what was needed or that the letters submitted were not sufficient. Mr. Rush argues that at the time when the Santander bank accounts were opened, K.A. was in a position of leadership and so his name was listed on the Santander bank accounts. However, since K.A.'s application, changes were made and he should no longer be listed on these accounts.

At the hearing I requested respondent conduct a new Asset Verification System check to verify if the Santander bank accounts still has the petitioner listed. The records were held open for the requested documentation. The verification document was received, and the petitioner is still listed. See R-F. N.J.A.C. 10:71-2.2 (e)(2), addresses a participant's responsibilities. It provides, in pertinent part, that an applicant shall assist the CWA in securing evidence that corroborates his or her statement. Petitioner did not request an extension to provide any further documentation. As of the date of the hearing no documents were received from the petitioner. Petitioner's social security is still deposited into an account at Santander bank where he is listed as an owner of the account. The requested verifications to determine eligibility for Medicaid were never provided.

Accordingly, I **CONCLUDE** that the petitioner failed to meet his responsibility to provide copies of statements from Santander bank accounts ending in #8373 and 4688 to determine eligibility, therefore, the MCBSS' decision to deny petitioner's Medicaid application should be **AFFIRMED**

**ORDER**

I ORDER that:

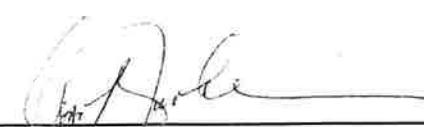
- Petitioner's appeal is **DISMISSED** because petitioner has **NO STANDING**.
- Petitioner's Medicaid Only application is **DENIED** under N.J.A.C. 10:71-2.2(e).
- Respondent must **EXTEND** the time limit for verification under N.J.A.C. 10:71-2.3(c).
- The case be **RETURNED** to respondent for respondent 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.

**October 23, 2025**

DATE

  
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JOAN M. BURKE, ALJ

Date Record Closed:

10/20/2025

Date Filed with Agency:

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\_\_\_\_\_  
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Date Sent to Parties:

\_\_\_\_\_  
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**APPENDIX**

**Witnesses**

**For Petitioner:**

Nickolas Rush, Designated Authorized Representative

**For Respondent:**

Carrie Flanzbaum, Human Service Specialist III

Exhibits

For Petitioner:

NONE

For Respondent:

R-A NJ Family Care Application for Medicaid, November 19, 2024

R-B Request for Verification, March 26, 2025

R-C Eligibility Notification; Regulation

R-D NJFamilyCare Asset Verification System Results; Medicaid Communication No. 17-16

R-E Letter from the Brotherhood of Hope, March 31, 2025; Letter from BMT, April 3, 2025

R-F NJFamilyCare Asset Verification System Results

R-G Designated Authorized Representative, May 1, 2025