State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 12191-24

M.A.

,

Petitioner,

v.

County of Union,

Division of Social Services

,

Respondent.

Medicaid Only

Failure to Verify Eligibility Appeal

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

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):

Applicant failed to disclose he was married at the time of the application

and in fact claimed to be single

The County's Asset Verification System disclosed M.A and his spouse were co-owners

of two Bank of America accounts, ending with numbers 0433 and 3508

On March 1, 2024, M.A.'s former representative from M.A.'s nursing home produced

a letter indicating the accounts did not belong to M.A. On April 9, respondent denied

M.A.'s application having deemed M.A.did not provide sufficent verification of assets

within a reasonable time. M.A.'s 2nd application from October 29, 2024 is pending

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 standing is established.

☐ I **FIND** that petitioner or petitioner's representative is **NOT AUTHORIZED** to pursue this appeal; therefore, I **CONCLUDE** that standing is not been established.

II.

☑ I **FIND** that petitioner did not timely provide all the required 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 timely provide all the required 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); 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 timely provide all the required 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); and petitioner has since provided all the required 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 timely provided all the required 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

1. Even if at the time M.A.'s represnetative attempted to decline ownership of the two accounts, it was admitted at the hearing that divorce proceedings were ongoing between M.A> and and his spouse and I FIND M.A. could have easily used his marital rights to compel disclosure of the disputed accounts so that the respondent could complete its duty of making a five year look back of M.A. assets.

I CONCLUDE that the combined nondisclosure of M.A.'s marital status and M.A.'s lack of cooperation to make even a minimum effort to provide a history of ownership of the accounts was a voluntary lack of cooperation perhaps motivated by transfer of his marital assets in contemplation of a divorce.
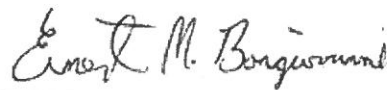
ORDER

I **ORDER** that:

☐ Petitioner's appeal is **DISMISSED** because petitioner has no standing.

☑ Petitioner is **INELIGIBLE** for Medicaid Only 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.

04/16/2025	_Ernest M. Bongiovanni_
DATE	Ernest M. Bongiovanni , ALJ

Date Record Closed: 03/27/2025

Date Filed with Agency: 04/16/2025

Date Sent to Parties: 04/16/2025

APPENDIX

Witnesses

For Petitioner:

Aron Rosenblum, RaySenior Services and M.A.'s legal representative

For Respondent:

Josefina ANilema, HSS3 Specialist, Adult Medicaid Dept of Human Services

Exhibits

For Petitioner:

While not moving specific exhibits Mr. Ronsenblum submitted a irrevocable waiver - actually a purported irrevocable assignment and transfer of all his right title and interest to spousal support and assets of his ex wife. Rosenblum wrote to the underwigned on February 10, 2025, that M.A. did this "recently."

I therefore give this document no weight whatsoever as this assignment took place ten months after the April 9, 2024

Note Both petitioner and respondent submitted briefs, the most recent by respondent received by the undersigned on March 27, 2025,. I agree largely with the arguments of respondent on this issue, but it does not affect my decision as again the waiver postdates the RFI by a year and the denial by ten months.

For Respondent:

1. ABD application dated January 9, 2024, from M.A.'s DAR Indranie Singh

2. January 25, 2024 Request for Information (RFI) by respondent to M.A. and Singh Specifically requested were bank records for two accounts periods between January 1, 2019 through the present day

3. Denial of application for failure to provide documentation relating to said records

4, Letter from DAR SIngh to Bank of America to obtain statements of two accounts identified in the RFI

5. March 1, 2024 Letter from Bank of America indicating two accounts identified in the RFI do not belong to M.A.