



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 02093-25

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

M.D. _____

Petitioner,

v.

OCEAN COUNTY

BOARD OF SOCIAL SERVICES

Respondent.

For petitioner: Michael Heinemann

For respondent: Julie Ibrahim

BEFORE: Allison Friedman, 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 mortgage account statement to verify client had been paying the monthly payment. (Testimony and P-5)

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

M.D. applied for Medicaid on September 25, 2024, with the aid of Designated Authorized Representative (DAR) Shani Jacobs from Senior Planning Services (SPS). (R-1) As part of the application process his home was listed for sale. Three letters requesting information were sent out as the application was processed; September 30, 2024, October 28, 2024, and December 4, 2024. (R-4) The letters do not accurately reflect the missing information as Ms. Ibrahim explained. Ms. Ibrahim clarified in her testimony only the mortgage payoff and proof of monthly payoffs for the last five years was missing. Emails between the DAR and the caseworker demonstrate the responsiveness to the requests as well as the problems she had obtaining the missing information. (P-5)

The testimony and the exhibits establish M.D. had taken out a reverse mortgage unknown to his family. There is no visible record of this mortgage unless one knew to look for it. M.D. had not made any payment on it in the last five years so payments were not visible in his five years of bank records. These facts explain why the DAR had no knowledge of the mortgage.

M.D.'s home sold in October of 2024, a HUD statement showed the payoff of the reverse mortgage. This is when the DAR became aware of a mortgage. It is not disputed that the DAR provided the HUD form to social services after the home had been sold. (P-5) To comply with social services' request made in the email on December 5, 2024, the DAR sent in a letter from M.D.'s son. (P-5 email 12/5/24 at 12:02) and (P-4) That letter explained that he obtained power of attorney for his father in May of 2024 and explained he did not know of the mortgage and discovered his father had not made any payment for the last five years. (P-4)

Additionally, the DAR began immediately researching the mortgage in an effort to satisfy the request by social services. (P-6 email 12/5/24 at 11:00a.m.) Rebecca Aaron of SPS explained Jacobs did request an extension and none was granted. On December 31, 2024, SPS submitted a new application containing the mortgage information. That application was approved and benefits were awarded from September 2024 which is why only the benefits for August 2024 are at issue now.

I **FIND** that the neither the DAR or the family knew about the mortgage through no fault of their own. I further **FIND** that the DAR worked diligently with social services to provide the 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.

November 26, 2025

DATE



Allison Friedman, ALJ

11/20/2025

Date Record Closed:

Date Filed with Agency:

November 26, 2025

Date Sent to Parties:

APPENDIX

Witnesses

For Petitioner:

Rebecca Aaron, Supervisor at Senior Planning Services

For Respondent:

Julie Ibrahim, Human Services Specialist 3

Exhibits

For Petitioner:

- P-1 Surrogate Court documents
- P-2 Letter from DAR to Social Services, dated December 18, 2024
- P-3 Copy of Mortgage
- P-4 Letter from son regarding mortgage
- P-5 Emails between Social Services Case Worker and DAR
- P-6 Emails between the DAR and the mortgage Company

For Respondent:

- R-1 NJFC ABD online portal application, September 25, 2024
- R-2 DAR form dated May 13, 2024
- R-3 Eligibility results letter dated December 23, 2024
- R-4 Request for Information Letters dated September 30, 2024, October 28, 2024, and December 4, 2024
- R-5 Case Summary Notes
- R-6 Compu Link Letter dated September 18, 2024
- R-7 Compu Link letter dated October 2, 2024