



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 07029-25
AGENCY DKT. NO. N/A

M.O.,
Petitioner,
v.
**CAMDEN COUNTY BOARD OF SOCIAL
SERVICES,**
Respondent.

Eliyahu Pekier, Esq., for petitioner (Law Offices of Simon P. Wercberger, LLC,
attorneys)

Botonya Y. Harris, Human Support Specialist, for respondent under N.J.A.C.
1:1-5.4(a)(2)

Record Closed: November 17, 2025

Decided: December 8, 2025

BEFORE KIMBERLEY M. WILSON, ALJ:

STATEMENT OF THE CASE

Respondent Camden County Board of Social Services (Agency) denied petitioner M.O.'s Medicaid Only application for failure to provide the Agency clear proof of the

source of a \$12,000 deposit posted to M.O.'s account on September 6, 2022, evidence required to establish M.O.'s eligibility for the Medicaid Managed Long Term Services and Supports (MLTSS) program under N.J.A.C. 10:71-2.2(e). M.O. claims that he did provide the Agency with sufficient information and argues that the application should not have been denied.

PROCEDURAL HISTORY

On or around September 9, 2024, M.O. submitted a NJ FamilyCare Aged, Blind, Disabled Programs Application (Application) to the Agency. (R-1.) On or around March 28, 2025, the Agency advised M.O., through his designated authorized representative (DAR), that M.O. was ineligible for Medicaid MLTSS for failure to provide information to determine eligibility. (R-9.) On or around April 9, 2025, M.O. requested a fair hearing. The New Jersey Division of Medical Assistance and Health Services (DMAHS) transmitted the matter to the Office of Administrative Law, where it was filed as a contested case on April 28, 2025. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13.

After a status conference on July 10, 2025, a hearing was scheduled for September 24, 2025. On or around August 25, 2025, M.O. filed a motion for summary decision, which was denied pursuant to a Letter Order dated October 10, 2025. The September 24, 2025, hearing date was adjourned to October 23, 2025, and the hearing was held on that date. The record remained open until November 17, 2025, to allow the parties to submit post-hearing summation briefs.

DISCUSSION AND FINDINGS OF FACT

On or around September 9, 2024, M.O. submitted the Application to the Agency. (R-1.) In Requests for Information the Agency sent to M.O. on January 21, 2025, and February 11, 2025, the Agency advised that "[v]erification is required for all transactions of \$2,000 or more. Any transaction, such as checks/deposits/withdrawals and transfers for \$2,000 and over, need to be explained and have supporting documentation such as cancelled check, deposit slip, receipts, invoices, source of deposits, corresponding bank statement, etc." (R-2 at 14; R-3 at 21.) Both Requests for Information state that it is the

applicant's responsibility to provide the Agency "clear and concise verification as to how the resources were spent and origin of funds used for deposits" and that the application may be denied if that information is not received by the date indicated in the Request for Information. (*Ibid.*)

On or around February 24, 2025, M.O.'s DAR provided the Agency with certain bank statements, generally from July 1, 2020, through July 31, 2024. (R-3.) Included in this response was a bank statement from August 21, 2022, to September 20, 2022, with a deposit of \$12,000 made on September 6, 2022. (R-4 at 24.)

On or around March 5, 2025, the Agency sent a Request for Information to M.O.'s DAR, requesting "clear proof of the source of the \$12,000 deposit." (R-6 at 31.) In response, M.O.'s DAR provided the Agency with a deposit receipt for \$12,000 and a one-page Pennsylvania Motor Vehicle Bill of Sale dated September 6, 2022. (R-7.)

The deposit receipt that M.O.'s DAR provided the Agency does not provide the source of the deposit, and there are no signatures on the Bill of Sale indicating an agreement to transfer title to a motor vehicle. (*Ibid.*; P-10.) When the Agency researched the proof-of-sale information M.O.'s DAR provided to it, the Agency found that the form Pennsylvania Motor Vehicle Bill of Sale is a three-page document, not a one-page document, and includes a buyer and seller signature. (R-8.)

On or around March 28, 2025, the Agency sent a letter to M.O.'s DAR, advising that M.O. was deemed ineligible for Medicaid MLTSS for a failure to provide information to determine eligibility. (R-9.)

DISCUSSION AND CONCLUSIONS OF LAW

Medicaid is a cooperative federal-state venture established by Title XIX of the Social Security Act. 42 U.S.C. § 1396, et seq. It is "designed to provide medical assistance to persons whose income and resources are insufficient to meet the costs of necessary care and services." *Atkins v. Rivera*, 477 U.S. 154, 156 (1986); see also 42 U.S.C. § 1396-1; N.J.S.A. 30:4D-2. The New Jersey Medical Assistance and Health

Services Act, N.J.S.A. 30:4D-1 to -19.5, created New Jersey's Medicaid program and the DMAHS to perform administrative and operational functions related to the program. See N.J.S.A. 30:4D-4. Once the state joins the program, it must comply with Medicaid statute and federal regulations. Harris v. McRae, 448 U.S. 297, 301 (1980). Finally, Medicaid benefits must be provided to individuals whose household income is at or below 133 percent of the federal poverty level based on the family size. 42 C.F.R. § 435.119(b)(5) (2025).

Medicaid MLTSS "provides comprehensive services and supports" to eligible participants, including those residing in an assisted living facility, nursing home, community residential service or at home. See <https://www.state.nj.us/humanservices/dmajs/home/mltss.html> (last visited on December 7, 2025). This program covers care management, home-delivered meals, assisted living, community residential services, and nursing home care, among other services. (Ibid.) Individuals who are twenty-one years old and older can qualify by meeting a financial requirement, which includes monthly income and the individual's total liquid assets. (Ibid.)

Because Medicaid funds are limited and intended for the needy, only applicants with income and non-exempt assets below specified levels may qualify for this government-funded assistance. N.J.A.C. 10:71-4.1 to -4.11; N.J.A.C. 10:71-5.1 to -5.9. Resources, for determination of Medicaid eligibility, are broadly defined as any resources "which could be converted to cash to be used for [an applicant's] support and maintenance." N.J.A.C. 10:71-4.1(b). Resources are available to an applicant when those resources are either under their "right, authority or power to liquidate" or where those resources have been "deemed available to the applicant." (Id. at (c)(1),(2).)

The DMAHS has issued guidance regarding the application process. Medicaid Communication No. 22-04 (May 3, 2022) addresses the processing of Medicaid applications. Request for Information letters will be sent when an applicant has provided insufficient information, and the applicant will have fourteen days to respond. (Id. at 1.) If the agency does not receive a response, "the application will be denied for failure to provide information." (Ibid.)

Finally, M.O. bears the burden of proof to show that he is entitled to Medicaid MLTSS benefits and has complied with the regulations. M.A. v. Monmouth Cnty. Bd. of Soc. Servs., OAL Dkt. No. HMA 07879-19, 2019 N.J. AGEN LEXIS 558 (Initial Decision Aug. 27, 2019, Final Decision Sept. 20, 2019). “The burden of proof is to show by a preponderance of the evidence that one is entitled to the relief sought. Preponderance may also be described as the greater weight of credible evidence in the case, not necessarily dependent on the number of witnesses, but having the greater convincing power.” (*Id.* at * 6) (citing State v. Lewis, 67 N.J. 47 (1975)).

On the facts alone, the Agency correctly found that M.O. did not provide the information that it required to determine whether M.O. was eligible for the Medicaid MLTSS program. Simply, the Agency did not receive clear information regarding the source of the \$12,000 deposit that it requested on March 5, 2025, and from the Agency's past guidance, the Agency made it clear before February 24, 2025, that it would require clear information on the origin of funds for a deposit.

M.O. makes various arguments in support of its contention that the Agency should not have issued the denial letter, none of which are availing. The argument that the Agency issued a denial letter for information it did not request from M.O. is not supported by the uncontested facts. The Agency asked M.O. for the source of the funds for the \$12,000 deposit, information that needed to be clear. M.O. did not provide complete and clear information on the source of the \$12,000 he received. M.O.'s argument that the Agency failed to advise him how the application was deficient before the application was denied has no merit. In the March 5, 2025, Request for Information, the Agency advised M.O. what information it needed. M.O., unfortunately, did not provide clear and complete information regarding the \$12,000 deposit and the source of the funds.

Finally, M.O. argues that the Agency failed to process the application within forty-five days, as is required by N.J.A.C. 10:71-2.2(a) and failed to advise him that there was a delay in processing and the reasons for the delay, as is required by N.J.A.C. 10:71-2.2(d). While the facts clearly show that the Agency did not process the application within 45 days, and there is no evidence in the record that the Agency contacted M.O. to advise

of the delay and the reasons for it, there is no regulatory authority indicating that the Agency's substantive decision, namely the denial, must be overturned on procedural reasons. See E.C. v. Div. of Med. Assistance and Health Servs., HMA 00149-13, Initial Decision (June 9, 2016), adopted, Dir. (July 18, 2016), <http://njlaw.rutgers.edu/collections/oal/>.

For the foregoing reasons, I **CONCLUDE** that M.O.'s application for Medicaid MLTSS benefits was properly denied.

ORDER

I **ORDER** that M.O.'s Medicaid Only application is **DENIED** under N.J.A.C. 10:71-2.2(e).

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.

December 8, 2025

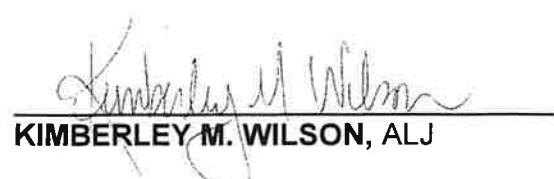
DATE

Date Received at Agency:

December 8, 2025

Date Mailed to Parties:

KMW/ml



KIMBERLEY M. WILSON, ALJ

APPENDIX

Witnesses

For petitioner:

Rivka Selegut, supervisor for designated authorized representative

For respondent:

Botonya Y. Harris, Human Support Specialist

Exhibits

For petitioner:

- P-2 Request for Information dated February 11, 2025
- P-3 Request for Information dated March 5, 2025
- P-4 Letter from the Agency to M.O. dated March 27, 2025
- P-5 Emails between the Agency and M.O.'s designated authorized representative dated March 27, 2025, to April 2, 2025
- P-6 Copies of checks
- P-7 Letter from K.M., M.O.'s daughter, to "To Whom it May Concern" dated February 25, 2025
- P-8 Email from DAR to Agency dated February 27, 2025
- P-9 Kelley Blue Book information for 2003 Ford E250
- P-10 Pennsylvania Motor Vehicle Bill of Sale
- P-11 Kelley Blue Book information for 2007 Ford F150
- P-12 Pennsylvania Certificate of Title for a Vehicle
- P-13 Regulations
- P-14 Regulations
- P-15 Regulations
- P-16 R.P. v. Monmouth County Division of Social Services, HMA 07821-24, Initial Decision (June 13, 2025)

P-17 L.G. v. Middlesex County Board of Social Services, HMA 02482-25, Initial Decision, (April 30, 2025)

For respondent:

- R-1 Application dated September 9, 2024
- R-2 Request for Information from Agency to M.O. dated January 21, 2025
- R-3 Request for Information from Agency to M.O.'s DAR dated February 11, 2025
- R-4 Bank verifications from M.O.
- R-5 Additional verifications from M.O.
- R-6 Request for Information from Agency to M.O.'s DAR dated March 5, 2025
- R-7 Additional verifications from M.O.
- R-8 Information regarding Pennsylvania requirements to sell a vehicle
- R-9 Letter from Agency to M.O.'s DAR dated March 27, 2025
- R-10 Request for Information from Agency to M.O.'s DAR dated June 30, 2025
- R-11 Email correspondence between M.O.'s DAR and Agency from July 16, 2025, to August 6, 2025