



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

**INITIAL DECISION**

OAL DKT. NO. HMA 08817-24

AGENCY DKT NO. N/A

**T.A.,**

Petitioner,

v.

**ESSEX COUNTY BOARD OF SOCIAL SERVICES,**

Respondent.

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**Laurie M. Higgins**, appearing on behalf of petitioner

**No appearance on behalf of respondent**

Record Closed: August 22, 2025

Decided: September 24, 2025

BEFORE **AURELIO VINCITORE**, ALJ:

**STATEMENT OF THE CASE**

On August 24, 2023, petitioner, T.A., through T.A.'s designated authorized representative (DAR), applied to Essex County Board of Social Services (Essex County) for Medicaid, but could not complete the application within the application period because the DAR had to obtain a court order to obtain the missing records. May the application period be continued? Yes. An application may be continued past the application period under exceptional circumstances. N.J.A.C. 10:71-2.3(c).

### **PROCEDURAL HISTORY**

On August 24, 2023, T.A. applied to Essex County for Medicaid coverage. On September 20, 2023, Essex County denied the application for Medicaid because the application was incomplete. On June 3, 2024, T.A. appealed the September 20, 2023, determination, which concerned the period from that date until the time in 2024 when T.A. obtained Medicaid coverage.

On June 28, 2024, DMAHS transmitted this case to the Office of Administrative Law (OAL), as a contested case under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to-15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to-13, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6.

After several scheduled pre-hearing conferences on December 18, 2024, February 19, 2025, March 18, 2025, June 9, 2025, and July 7, 2025, I held the hearing on August 13, 2025. The hearing was conducted ex parte because Essex County failed to appear after receiving notice of a peremptory hearing date on August 13, 2025. Essex County previously failed to appear on June 9, 2025, and July 7, 2025.

Petitioner moved for a directed verdict due to Essex County's failure to appear at the peremptory hearing date. At the conclusion of the ex parte hearing, petitioner asked to submit documentary evidence and a post-hearing brief. I kept the record open for 10 days to accommodate this request and closed the record on August 22, 2025.

### **FINDINGS OF FACT**

Based on the testimony provided and my assessment of its credibility, together with the documents submitted and my evaluation of their sufficiency, I **FIND** the following as **FACT**:

1. On August 24, 2023, T.A. applied for Medicaid through Essex County. At the same time, his DAR from Whitehouse Healthcare and Rehabilitation Center

(Whitehouse) asked Essex County for assistance in obtaining financial verifications because T.A. would not cooperate.

2. On September 15, 2023, Whitehouse requested an extension of the application period for 60 days to complete the application. Whitehouse explained that on July 17, 2023, it initiated litigation in the Superior Court of New Jersey (ESX-C-000115-23), to compel T.A. to cooperate in obtaining eligibility.
3. On September 18, 2023, Essex County denied the request.
4. On September 20, 2023, Essex County denied the Medicaid application for failure to provide the requested eligibility verifications.

### **LEGAL ANALYSIS AND CONCLUSION**

Congress created the Medicaid program under Title XIX of the Social Security Act. 42 U.S.C. §§1396 to 1396w. The federal government funds the program that the states administer. Once the state joins the program, it must comply with the Medicaid statute and federal regulations. Harris v. McRae, 448 U.S. 297, 300 (1980). New Jersey participates in Medicaid through the New Jersey Medical Assistance and Health Services Act. N.J.S.A. 30:4D-1 to -19.5. The Commissioner of the Department of Human Services has promulgated regulations implementing New Jersey's Medicaid Only program to include income and resource eligibility standards. N.J.A.C. 10:71-1.1 to -9.5; E.S. v. Div. of Med. Assistance and Health Servs., 412 N.J. Super. 340, 347 (App. Div. 2010).

The issue in this case is whether T.A. was eligible for Medicaid at the time of application on August 24, 2023. Both Essex County and the applicant have obligations in navigating the application process. If an applicant needs assistance completing the

application process, the welfare agency shall assist them, including advising the applicant of their rights and responsibilities. N.J.A.C.10: 71-2.2(c) and 2.2(e).

In this case, on August 24, 2023, T.A.'s DAR informed Essex County at the time of application that they would urgently need assistance from Essex County to obtain the requested verifications due to T.A.'s lack of cooperation. Then, on September 15, 2023, before any decision on the application, the DAR asked for the maximum extension of time to produce the verifications.

The request for an extension was denied by email on September 18, 2023, and the application was denied by letter on September 20, 2023. Essex County was not required to grant an extension of time, but under N.J.A.C 10:71-2.3(c), an extension is permissible. Given the difficulty in obtaining T.A.'s cooperation and the lengths that Whitehouse had to go to obtain assistance, this was an exceptional case where the processing of the application could not happen within 45 days. Where substantially reliable evidence of eligibility is still lacking at the end of a designated period, an application may be continued in pending status. Under N.J.A.C. 10:71-2.3(c) an agency would merely need to document that the delay was due to circumstances within the applicant's control.

Here, petitioner's DAR was successful in achieving Medicaid eligibility for T.A. in 2024, as a result of the litigation. Accordingly, I **CONCLUDE** that the request for an extension should have been permitted, that the application should have remained in pending status for a reasonable period of time, and that T.A.'s application should have been reviewed again when substantially reliable information was available to confirm eligibility at the time of application in August of 2023.

#### **ORDER**

Given my findings of fact and conclusions of law, I **ORDER** that T.A.'s August 24, 2023 application for Medicaid benefits be reviewed for eligibility.

I **FILE** my initial decision with the **ASSISTANT COMMISSIONER OF THE DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES** for consideration. This recommended decision may be adopted, modified, or rejected by the **ASSISTANT COMMISSIONER**, who is authorized to make a final decision in this case. If the **ASSISTANT COMMISSIONER** does not adopt, modify, or reject this decision within forty-five days, and unless such time limit is otherwise extended, this recommended decision becomes a final decision under N.J.S.A. 52:14B-10(c).

Within seven days from the date on which this recommended decision is mailed to the parties, any party may file written exceptions at **ASSISTANT COMMISSIONER, DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES, Mail Code #3, PO Box 712, Trenton, New Jersey 08625-0712**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

September 24, 2025

\_\_\_\_\_  
DATE

Date Record Closed:

Date Filed with Agency:

Date Sent to Parties:  
ljb



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AURELIO VINCITORE, ALJ

August 22, 2025  
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**APPENDIX**

**Witnesses**

**For petitioner:**

None.

**For respondent:**

None.

**Exhibits**

**For petitioner:**

P-1 Petitioner Post-Hearing Brief and Attachments

**For respondent:**

None