



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

**INITIAL DECISION**

OAL DKT. NO. HMA 10266-24

T.R.

Petitioner,

v.

MONMOUTH COUNTY 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):

Petitioner failed to supply corroborating evidence necessary to determine eligibility at the time of application and in letter dated May 7, 2024. Petitioner failed to send any response. Specifically, petitioner failed to verify sixty months of quarterly bank statements; explanation for transactions over \$1,000; facility admission form LTC-2; and other requested documents.

**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**

---

An RFI letter was mailed to the petitioner with a due date of May 21, 2024.

---

Petitioner did not respond. Petitioner's assertion that the RFI was not received was not proven. The DAR who worked on the case for petitioner no longer works for Future Care Consultants, and was not present. The DAR's supervisor testified instead.

---

---

The agency failed to inform petitioner of its delay in processing the application. N.J.A.C. 10:71-2.3(d). Its failure was not sufficient under these facts to return the application to the agency for processing.

---

**ORDER**

I **ORDER** that:

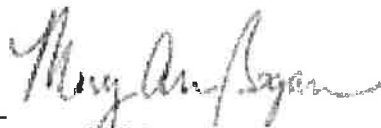
- ☐ Petitioner's appeal is **DISMISSED** because petitioner has no standing.
- ☒ Petitioner is **INELIGIBLE** for Medicaid Only under N.J.A.C. 10:71-2.2(e).
- ☐ Respondent must **EXTEND** the time limit for verification under N.J.A.C. 10:71-2.3(c).
- ☐ The case be **RETURNED** to respondent for respondent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

05/20/2025

DATE



MARY ANN BOGAN

, ALJ

Date Record Closed:

04/29/2025

Date Filed with Agency:

Date Sent to Parties:

**APPENDIX**

**Witnesses**

**For Petitioner:**

Shmuel Moore

Sosie Steif

**For Respondent:**

Sariya Brown, Caseworker, Human Service Specialist 2

Changyou Yu, Supervisor, Human Service Specialist 4

**Exhibits**

**For Petitioner:**

P-1 Certification of Yaakov Fonteijn

P-2 Certification of Sosie Steif

P-3 to P-6 42 C.F.R. 435.952(c)-(d)

P-7 to P-9 Med. Comm. No. 22-04

P-10 to P-24 E.G. v. Hudson, Final Agency Decision

P-25 to P-34 Discovery demands, dated October 14, 2024

P-35 to P-36 Email to Mr. Boyle, dated December 10, 2024

P-37 to P-44 J.L. v. Monmouth Agency Decision - Docket No. HMA 02257-24

P-45 to P-46 Certification of Shmuel Moore

P-47 Not submitted

**For Respondent:**

R-1 Medicaid Application

R-2 Request for Information letter, dated May 7, 2024

R-3 Denial Letter, dated May 29, 2024

R-4 N.J.A.C. 10:71-2.2 (e)