



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

**INITIAL DECISION**

OAL DKT. NO. HMA 05645-25

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

A.D. \_\_\_\_\_  
\_\_\_\_\_

Petitioner,

v.

MERCER COUNTY BOARD  
OF SOCIAL SERVICES

Respondent.

For petitioner: Cortney Gonzalvez, Designated Authorized Representative, pursuant to N.J.A.C. 1:10B-5.1

For respondent: Jared Robinson, Fair Hearing Liaison

BEFORE: JOAN M. BURKE, 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):

See Court Exhibit 1.

**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**

A hearing was scheduled in this matter for May 27, 2025. Based on the voluminous amount of documents and petitioner stated they provided all the documents, the parties agreed for an adjournment. Status conferences were held on June 24, 2025, and August 28, 2025, to give the respondent a chance to sort through the documents. A hearing began on October 7, 2025, wherein the respondent's representative Lynette Haynes testified that the petitioner had provided all the requested documents; however she stated that the matter continued to be denied because verification of continuous institutionalization for one year prior to November 2024 was not provided. This tribunal adjourned the case to continue the hearing on November 21, 2025, to allow the petitioner to show that this was done. At the hearing on November 21, 2025, again Ms. Haynes testified that all the documents were received timely but conflicted her statements by saying the continuous institutionalization of one year was still an issue. The hearing closed and the record was left open for written summations. Respondent submitted in its closing summation that documents were still outstanding or were not received timely along with the issue of continuous institutionalization. (Respondent's Closing Summation, December 11, 2025) Petitioner has submitted proofs that all the requested documents were submitted. (See P-1) After a thorough review of the file, I agree with the petitioner and the respondent that all the requested documents were provided. I do not find respondent's statement in their closing summation credible after Ms. Haynes testified twice that all the requested documents were received. I therefore **CONCLUDE** that the documents were provided timely.

The issue of continuous institutionalization, has been shown in the petitioner's closing summation. (See Petitioners Closing Summation, January 5, 2026; and P-2.) This could be easily found out by the respondent and I **CONCLUDE** not a valid reason to deny the petitioner's eligibility. I therefore **CONCLUDE** that the petitioner is eligible for Medicaid.

**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.

**January 26, 2026**

DATE

  
 \_\_\_\_\_  
 JOAN M. BURKE, ALJ  
 01/06/2026

Date Record Closed: \_\_\_\_\_

Date Filed with Agency: \_\_\_\_\_

Date Sent to Parties: \_\_\_\_\_

**APPENDIX**

Witnesses

For Petitioner:

Cortney Gonzalvez, Designated Authorized Representative

For Respondent:

Lynette Haynes, Worker

Exhibits

For Petitioner:

- P-1- Appeal Packet, November 13, 2025
- P-2- Supporting Statement- Community Spouse Resource Assessment, November 13, 2025
- P-3 Evidence Package, August 27, 2025
- P-4 Evidence Package, September 29, 2025
- Petitioner's Closing Summation, January 5, 2026

For Respondent:

- Exhibits received for the hearing previously scheduled for May 27, 2025:
- R-1: NJ FamilyCare Aged, Blind, Disabled Programs Application, November 13, 2024
  - R-2: Designation of Authorized Representative Form
  - R-3: Request for Information
  - R-4: Adverse Action Notice, March 6, 2025
  - R-5: Regulation
  - R-6: Petitioner's Letter - Verification Documents
- Additional Exhibits for October 7, 2025, hearing:
- R-7: Denial Notice
  - R-8: N.J.A.C. 10:71-4.5(b)
  - R-9: Account Balances
  - R-10: Notice of Admission
  - R-11: Aged, Blind, Disabled Nursing Home & Waiver Program Worksheet
  - R-12: Spousal Resource Assessment Worksheet
  - R-13: Pre-Admission Inquiry Screen
- Respondent's Closing Summation, December 11, 2025

Court Exhibit 1

Wells Fargo X0642 - 1/1- 3/31/2020, 11/1 – 11/30/20 - \$7000, 1/1 – 3/31/24 \$8000, withdrawal 4/1 – 4/30/24 - \$5800

Wells Fargo X7257 – statement ending 03/15/20, verification of transaction 7/10/20 - \$3500

Schwab X0958 – need closing statement - November 2024,

Five-year lookback on Ocean First statements/accounts – \$1445.88, 6/20/23 withdrawal \$30 K, 10/1 – 12/30/23

Wells Fargo X0657 statements, Wells Fargo X9508 – 01/16/2024 - \$6000, 7/1 – 7/31 Statement

Wells Fargo X3368 – 7/1 – 10/31/19, 1/31 – 4/30/20, 9/1 – 1/1/20, 10/1//21 – 1/1/2023, 11/1 – 11/30/23 statement and check #98

Need closing statements for New York Life Annuity X0633

Fidelity X5723 – October 24 - \$3,587.38

TD Ameritrade X9044 – statements from 5/1//223 to current and/or closing statement

Need Qualified Income Trust statements Wells Fargo X0005 - November, December 2024, 06/20/23

Lakeland X7257 – Need closing statement

Dekra X7479 missing 2022 – 1<sup>ST</sup>, 2<sup>ND</sup> and 4<sup>TH</sup> QTR quarterly statements

Well Fargo X4035 /5/21/20 – D \$2400, 7/27/20, CHK #580 - \$4182., 7/14/20 – D- \$3,000