



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 12106-25

Medicaid Only
Excess Resources Appeal
N.J.A.C. 10:71-4

B.F.

Petitioner,

v.

MIDDLESEX COUNTY BOARD
OF SOCIAL SERVICES

Respondent.

For petitioner: Sara Khan-Duprat, Esq., for petitioner

For respondent: Kurt Eichenlaub, Human Services Specialist 3, for respondent, under N.J.A.C. 1:1-5.4(a)(3)

BEFORE: TRICIA M. CALIGUIRE, ALJ

STATEMENT OF THE CASE

Respondent denied petitioner's Medicaid Only application due to excess resources under N.J.A.C. 10:71-4.5.

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:

- (1) Petitioner's **available and countable resources** total \$ 436,231.89
(N.J.A.C. 10:71-4.1, -4.2 for single individuals; N.J.A.C. 10:71-4.6 and -4.8 for married individuals)
- (2) The applicable **resource eligibility standard** is \$ 2,000 (N.J.A.C. 10:71-4.5)
- (3) Petitioner's **date of resource eligibility** is July 1, 2024 (N.J.A.C. 10:71-4.5) *(fill in if resources under applicable standard)*

III.

- I **CONCLUDE** that petitioner is over the applicable resource limit and is therefore resource **INELIGIBLE** for Medicaid Only benefits under N.J.A.C. 10:71-4.5.
- I **CONCLUDE** that petitioner is not over the applicable resource limit and is therefore resource **ELIGIBLE** for Medicaid Only benefits as of _____ *(fill in date of eligibility)* under N.J.A.C. 10:71-4.5.

ADDITIONAL FINDINGS OF FACT/CONCLUSIONS OF LAW

Respondent excludes the value of homes which are listed for sale in its resource calculation. B.F.'s home has been listed intermittently between the date of her application for Medicaid, and the renewal of her application by respondent. As of October 10, 2024, the date on which respondent denied her application, the house was not on the market.

Both parties cite Medicaid Communication No. 87-26 (Sept. 14, 1987) (Med-Comm 87-26) to support their position. Med-Comm 87-26 provides, in pertinent part, that a non-liquid resource, such as a house, may be excluded from resource consideration "subject to the establishment of a plan of liquidation . . . for the period specified in the plan of liquidation[.]" Such a plan provides for "six months to liquidate real property" with one three-month extension if the applicant demonstrates "that the property could not be liquidated within the specified period because of the inability to find a buyer" despite reasonable efforts to sell the property.

Based on the hearing testimony and materials provided by the parties, I FIND:

1. Petitioner did not establish a "plan of liquidation."
2. The property was listed on December 20, 2023, and removed approximately three months later, by March 19, 2024. At no time between petitioner's application in December 2023, and respondent's review of the application, completed in October 2024, was the property listed for a six-month period.
3. Petitioner did not request an extension nor did petitioner attempt to demonstrate her difficulty finding a buyer.
4. Neither party submitted any evidence to support that the property was listed for its fair market value.

I CONCLUDE that respondent's decision to include the value of petitioner's house in the calculation of resources available to petitioner was correct.

I CONCLUDE that petitioner failed to prove by a preponderance of the credible evidence that respondent erred in its decision to find her eligible for Medicaid benefits as of July 1, 2024.

ORDER

I **ORDER** that:

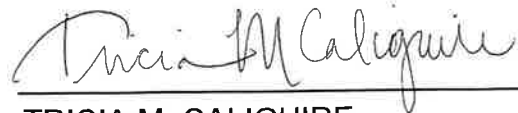
- Petitioner’s appeal is **DISMISSED** because petitioner has **NO STANDING**.
- Petitioner is resource **INELIGIBLE** for Medicaid Only benefits under N.J.A.C. 10:71-4.5.
- Petitioner is resource **ELIGIBLE** for Medicaid Only benefits as of July 1, 2024 under N.J.A.C. 10:71-4.5.

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 13, 2026

DATE



TRICIA M. CALIGUIRE, ALJ

Date Record Closed:

January 12, 2026

Date Filed with Agency:

January 13, 2026

Date Sent to Parties:

January 13, 2026

APPENDIX

Witnesses

For Petitioner:

Chaya Weinberger

For Respondent:

Kurt Eichenlaub

Exhibits

For Petitioner:

P-1 Letter from C. Weinberger to respondent in response to Request for Information, with attachments, dated May 10, 2024

For Respondent:

R-A NJ FamilyCare Aged, Blind, Disabled Programs application, dated December 21, 2023
R-B Designated Authorized Representative Form, dated December 21, 2023
R-C Notification of Eligibility, dated October 7, 2024
R-D Resource Calculation Summary, dated September 18, 2024
R-E Verification of Resources
R-F Verification of Property