



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 15335-25

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

B.L.,

Petitioner,

v.

Middlesex County Board of

Social Services

Respondent.

For petitioner: T.K., for petitioner, under N.J.A.C. 1:10B-5.1

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

BEFORE: Advia Knight Foster, 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):

LTC2 Admission form for current facility, billing and payment ledger for the current facility, personal needs account for current facility from date of admission to current date, and various verifications of transactions from Bank of America for account ending in 2251 from 2021 to 2024 (see Respondent's Ex. C).

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

On July 10, 2025, the Middlesex County Board of Social Services (Middlesex County) sent a request for information to petitioner with a due date of July 24, 2025. On Saturday July 12, 2025, petitioner's representative, Mr. Kelly, received the request for information. On July 14, 2025, Kelly went to Bank of America to request the various documents. On July 23, 2025, Kelly called the worker, Ms. Pane, to notify her that the bank only provided a partial list of documents and that it had to go to archives to retrieve the other information. Ms. Pane told Kelly to submit a written request for an extension. On July 23, 2025, Kelly mailed a partial list of verifications from Bank of America along with the other requested verifications regarding B.L.'s LTC2's admission form, billing and payment ledger from the current facility, personal needs account statement, and a request for an extension. (Ex. B). On July 28, 2025 Middlesex sent an adverse notice denying Medicaid benefits effective December 21, 2024. Middlesex County received the verifications and extension request after July 28, 2025 which was after the due date. Although retrieval of the archived bank records were out of the control of the agency and petitioner, petitioner did have control in providing the other verifications prior to mailing them the day before the deadline. The agency is not required to grant an extension but may consider one in the appropriate case. N.J.A.C. 10:71-2.3 (c) Further, petitioner had an opportunity to contact the agency prior to July 23, 2025 to submit a written request for an extension and therefore contributed to the delay.

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.

12/10/2025

DATE



Advia Knight Foster

, ALJ

12/02/2025

Date Record Closed:

Date Filed with Agency:

Date Sent to Parties:

APPENDIX

Witnesses

For Petitioner:

T.K.

For Respondent:

Kurt Eichenlaub

Exhibits

For Petitioner:

- Ex. A Appeal letter dated November 14, 2025 and Request for Information dated July 10, 2025
- Ex. B Letter with verifications and request for extension dated July 23, 2025
- Ex. C Letter and verifications dated July 31, 2025
- Ex. D Adverse Notice dated July 28, 2025
- Ex. E Postal receipts

For Respondent:

- Ex. A Aged, Blind Disabled Medicaid Application dated December 21, 2024
- Ex. B Adverse Notice dated July 28, 2025 regulation and Medicaid Communication memos
- Ex. C Request for Information dated July 10, 2025