



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 16539-25

H.R.,

Petitioner,

v.

**UNION COUNTY BOARD
OF SOCIAL SERVICES,**

Respondent.

Shifra Horowitz, LTC Ally, Designated Authorized Representative for petitioner
H.R.,

Brigette Robinson, HSIII, for respondent (Union), under N.J.A.C. 1:1-5.4(a)(3)

Record Closed: December 16, 2025

Decided: January 6, 2026

BEFORE **SANDRA L. LASCARI**, ALJ:

STATEMENT OF THE CASE

Petitioner H.R. applied to respondent, the Union County Board of Social Services (Union), for Medicaid, but failed to verify in writing where he lived and who he lived with, and if he had any ownership interest in property, prior to being admitted into the facility. Is H.R. eligible for Medicaid? No. An applicant needs to provide all the necessary documentation under N.J.A.C. 10:72-2(c) and (d) to be eligible.

STANDING

I **Find** that petitioner's representative is **AUTHORIZED** to pursue this appeal; therefore, I **CONCLUDE** that petitioner has **STANDING** to pursue this appeal.

PROCEDURAL HISTORY

On February 26, 2025, H.R. applied to Union County for Medicaid. On July 11, 2025, Union County denied H.R.'s application for failing to provide the requested information. On August 28, 2025, H.R. filed a timely appeal.

On September 17, 2025, the Division of Medical Assistance and Health Services (DMAHS) transmitted this case to the Office of Administrative Law (OAL), where it was filed on September 17, 2025, as a contested case under N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13.

On December 3, 2025, Petitioner's Designated Authorized Representative (DAR) failed to appear, but requested a new hearing date. On December 9, 2025, the parties conferenced the matter. On December 16, 2025, I heard the matter and the record was closed.

FINDINGS OF FACT

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

On February 26, 2025, H.R., with the assistance of his Designated Authorized Representative (DAR), Shifra Horowitz, of LTC Ally, applied for Medicaid. (R-1)

On April 8, 2025, Union County sent a Request for Information Letter (RFI) seeking the following documents from H.R. by April 22, 2025, or letter of explanation if he did not have the information by that date. (R-2)

- Verification that H.R. sold his home in Middlesex, N.J.
- Verification that H.R. resided in Plainfield, N.J., with his ex-wife before he was admitted into the facility.
- Verification that the Plainfield, N.J. residence is not owned by H.R.
- A written statement, signed by H.R. or property owner, verifying ownership of the Plainfield home.

H.R.'s DAR provided the following:

- On December 9, 2025, a screenshot of the Medicaid Portal was submitted showing the dates when documents requested were uploaded to Union. (P-1)
- On April 23, 2025, one day after the Union deadline, a settlement form showing proof of sale for the home in Middlesex, N.J., was submitted. (P-2)
- On April 28, 2025, six days after the deadline, a check image of the proceeds from the sale of the home in Middlesex, N.J. was submitted. (P-3)
- On April 23, 2025, also one day after the deadline, she uploaded an unsigned, undated "email" from M.R., H. R.'s son, and alleged Power of Attorney (POA) which states:

"As for the residence at 1125 west 8th street, plainfield New Jersey. He does not own, nor has he ever owned this property. Its sole owner is Helen Robertson. Henry has no legal right to this property." (P-4)

On July 11, 2025, Union County sent a letter denying the application. (R-3)

CONCLUSIONS OF LAW

Under the New Jersey Medical Assistance and Health Services Act, N.J.S.A. 30:4D-1 to -19.5, the DMAHS is responsible for administering Medicaid. N.J.S.A. 30:4D-5. Through its regulations, the DMAHS establishes policy and procedures for processing Medicaid cases. N.J.A.C. 10:71-2.2(b). To be financially eligible, the applicant must meet

both income and resource requirements. In re Estate of Brown, 448 N.J. Super. 252, 257 (App. Div. 2017); see also N.J.A.C. 10:71-3.15; N.J.A.C. 10:71-1.2(a).

An applicant is obliged to provide all required information to support his or her application. In the Medicaid application process, the applicant bears the burden of establishing program eligibility by a preponderance of the credible evidence. Alford v. Somerset Cnty. Welfare Bd., 158 N.J. Super. 302, 310 (App. Div. 1978). During the application process, an applicant is the primary source of information and must cooperate with the County Welfare Agency (CWA) in securing evidence to corroborate their statements. N.J.A.C. 10:71-1.6(2). Furthermore, a CWA must verify questionable information provided by an applicant, as outlined in N.J.A.C. 10:71-2.2 and -2.3, and permit the applicant to comply. Indeed, the CWA and applicants have responsibilities during both the application and redetermination processes. Id. The applicant has a duty to cooperate fully with the agency in its verification efforts, providing authorization to the agency to obtain information when appropriate. N.J.A.C. 10:71-4.1(d)(3)(i). While the applicant has the primary obligation to provide all required information, the CWA may verify documents directly from collateral sources to "supplement or clarify essential information." N.J.A.C. 10:71-1.6(a)(2); N.J.A.C. 10:71-2.10.

In this case, the DAR has the primary obligation to provide all the information or documentation that Union deemed necessary to process H.R.'s application. Although the DAR provided proof of sale of the Middlesex property, she did not provide written proof where H.R. resided before his admission into the facility. Further, the DAR did not provide proof of ownership of the home in Plainfield either. The statement H.R.'s son provided is not signed as requested. It is printed on paper, without a date or email verification, which is insufficient. The DAR had several months to reach out to Union to confirm compliance and provide any additional documentation as required but failed to do so.

Therefore, I **CONCLUDE** that the DAR failed to provide all the necessary documentation under N.J.A.C.10:72-2.1(c) and (d); that no exceptional circumstances exist under N.J.A.C.10:72-2.1(d)(2) for this failure to do so; and that H.R. is ineligible for Medicaid under N.J.A.C. 10:72-2.3(e).

ORDER

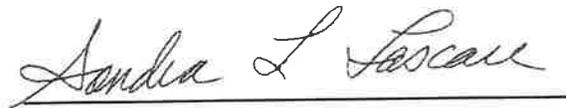
Given my findings of fact and conclusions of law, I **ORDER** that petitioner's February 26, 2025, application for Medicaid is **DENIED**.

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 6, 2026

DATE



SANDRA L. LASCARI, ALJ

Date Record Closed: January 6, 2026 _____

Date Filed with Agency: January 6, 2026 _____

Date Sent to Parties: January 6, 2026 _____

dr

APPENDIX

Witnesses

For Petitioner:

Shifra Horowitz, LTC Ally, Designated Authorized Representative of H.R.

For Respondent:

Brigette Robinson, HSIII, for respondent (Union), under N.J.A.C. 1:1-5.4(a)(3)

Exhibits

For Petitioner:

- P-1 December 9, 2025, a screenshot of the Medicaid Portal was submitted showing the dates when documents requested were submitted.
- P-2 April 23, 2025, final settlement from the home in Middlesex, N.J. - proof of sale
- P-3 April 28, 2025, check image of the proceeds from the sale of the home in Middlesex, N.J
- P-4 April 23, 2025, an unsigned, undated "email" from Mark Robertson

For Respondent:

- R-1 February 26, 2025, Medicaid Application
- R-2 April 8, 2025, Request for information letter
- R-3 July 11, 2025, Eligibility Denial Letter