



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. HMA 21012-25 ⁺

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

D.V. _____

Petitioner,

v. _____

Middlesex County

Board of Social Services

Respondent.

For petitioner: Benjamin Menasha, Esq., (Pisciotta & Menasha, LLC, attorneys)

For respondent: Carrie Franzbaum, Human Services Specialist 3, appearing pursuant to N.J.A.C. 1:1-5.4(a)3

BEFORE: CLAUDIA L. MARCHESE, 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):

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

Petitioner's application for Medicaid was submitted on July 25, 2025, by her representative and attorney, Benjamin Menasha, Esq. The county sent an RFI letter dated October 24, 2025, seeking information and documents required to evaluate her application. The request included several years of bank statements, with a deadline for submission of the documents of November 7, 2025. Petitioner's representative received the RFI letter on October 30, 2025. Denise Peszonek, legal assistant to petitioner's attorney, called the case worker, Ms. Delgado on October 30, 2025, seeking an extension of time to submit the requested documents. Ms. Peszonek was not able to reach anyone on the phone and left a voicemail message requesting the extension. The case worker did not return the call or respond to the extension request. On November 4, 2025, Ms. Peszonek uploaded petitioner's response to the RFI with all of the requested documents to the county portal. The response enclosed numerous documents in ten exhibits labeled A1 through F1. On November 4, 2025, Ms. Peszonek called the county to confirm that all of the documents were received and that there were no questions or concerns. Again, Ms. Peszonek received no answer or response from the county caseworker. Ms. Peszonek also called the county on November 6, 2025, to follow-up on the petitioner's response to the RFI with no answer or response to her message.

On November 13, 2025 the county denied petitioner's application for failure to provide the requested verifications. The county did not explain the deficiency in the submission or identify what documents were missing. On February 4, 2026 the petitioner's attorney learned through correspondence with the fair hearing liaison, that there was a problem with the transmittal to the portal and a number of the documents in the exhibits were not uploaded. As a result several months of bank statements were not submitted to the county. The Petitioner has since provided all of the necessary documentation.

The county did not dispute the Petitioner's evidence.

I am satisfied that petitioner's DAR sent all of the requested documents. Had the county case worker responded to the DAR's messages, confirming the transmittal, the petitioner would have had an opportunity to cure the deficiency prior to the November 7, 2025 deadline.

I FIND that the DAR substantially complied in a timely fashion with the request for information. I therefore CONCLUDE that extraordinary circumstances exist.

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.

May 13, 2026

DATE



CLAUDIA L. MARCHESE

ALJ

04/23/2026

Date Record Closed:

Date Filed with Agency:

Date Sent to Parties:

APPENDIX

Witnesses

For Petitioner:

Denise Peszonek, Legal Assistant

For Respondent:

None

Exhibits

For Petitioner:

- Exhibit 1 Request for Information, dated October 24, 2025
- Exhibit 2 Petitioner's response to Request for Information, dated November 4, 2025
- Exhibit 3 Denial Letter, dated November 13, 2025
- Exhibit 4 Request for Fair Hearing, dated November 25, 2025
- Exhibit 5 E-mail correspondence with County, dated February 4, 2026

For Respondent:

- Exhibit A Initial Application, dated July 25, 2025
- Exhibit B Request for Information, dated October 24, 2025
- Exhibit C Administrative Action Letter, dated November 13, 2025
- Exhibit D Citations