



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

**INITIAL DECISION**

OAL DKT. NO. HMA 07453-24

AGENCY DKT NO. N/A

**A.N.**

Petitioner,

v.

**PASSAIC COUNTY BOARD OF  
SOCIAL SERVICES,**

Respondent.

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**A.N.**, petitioner, pro se

**ShaRhonda Spencer**, Human Service Specialist 2, for respondent pursuant to  
N.J.A.C. 1:1-5.4(a)3

Record Closed: October 24, 2024

Decided: October 30, 2024

BEFORE **KIMBERLY K. HOLMES**, ALJ:

**STATEMENT OF THE CASE**

Petitioner, A.N., applied for Medicaid but failed to provide the eligibility verifications that respondent, the Passaic County Board of Social Services (the CWA), requested. Is A.N. eligible for Medicaid? No. To be eligible for Medicaid, an applicant must supply timely verifications establishing eligibility. N.J.A.C. 10:71-2.2(e)(2).

### **PROCEDURAL HISTORY**

On March 20, 2024, the CWA issued a denial letter to A.N. concerning his January 31, 2024, Medicaid application, determining that he failed to provide requested information required to determine eligibility. (R-3.)

On May 16, 2024, A.N. appealed the denial.

On October 1, 2024, the CWA transmitted the case to the Office of Administrative Law (OAL) as a contested case under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -13.

On October 24, 2024, I held the hearing and closed the record.

### **FINDING OF FACTS**

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

1. On January 31, 2024, A.N. applied for Medicaid benefits. The household size was two people, A.N. and his spouse, E.T., who was not seeking Medicaid benefits. (R-11.)
2. In his application, A.N. provided both his home address and email address. (R-11.)
3. On February 22, 2024, the CWA mailed A.N. a "request for information" document to the home address A.N. provided. It was due on March 2, 2024. (R-11.)

4. In the request for information, the CWA requested proof of all income; paystubs, including gross income; a letter if unemployed; and documentation identify who would support A.N., if A.N. was unemployed. (R-7.)
5. The CWA instructed A.N to mail the requested information. (R-7; R-11.)
6. In October 2024, A.N. provided a different email address to the CWA. The request for information was due to the CWA on March 2, 2024. (R-7.)
7. The Department of Human Services utilizes an online database to assist the CWA with verification of eligibility for benefits. The DOVE report is one of the types of database systems used to provide relevant information of the wages of a participant and employment history.
8. In the DOVE report dated October 22, 2024, the gross monthly income of A.N.'s household of two was \$6,830.14. (R-10; R-11.) Yet as of October 24, 2024, the CWA had received none of the information it requested, including the information contained in the DOVE report. Thus, the request for information that the CWA mailed to A.N. was never returned.

### **CONCLUSIONS OF LAW**

Under N.J.A.C. 10:71-2.2(c), the CWA “exercises direct responsibility in the application process to . . . [r]eceive applications”; “[a]ssist the applicants in exploring their eligibility for assistance”; and “[a]ssure the . . . prompt notification to ineligible persons of the reason(s) for their ineligibility.” N.J.A.C. 10:71-2.2(c)(2),(3) and (5); see also 42 C.F.R. § 435.908. An applicant’s responsibilities include “[a]ssist[ing] the CWA in securing evidence that corroborates his or her statements.” N.J.A.C. 10:71-2.2(e)(2). An applicant is “the primary source of information.” N.J.A.C. 10:71-1.6 (a)(2). An applicant must supply timely verifications establishing eligibility to receive Medicaid benefits under N.J.A.C. 10:72-2.3(a)–(e). “However, it is the responsibility of the agency to make the determination of eligibility and to use secondary sources when necessary, with the applicant's knowledge and consent.” Ibid. It is well settled under the common law

mailbox rule that mail "properly addressed, stamped and posted" is presumed to be "received by the party to whom it was addressed." SSI Medical Services, Inc. v. State, 146 N.J. 614, 621 (1996). The standard of proof is by a "preponderance of the evidence," which includes testimony and objective corroborative evidence. Id. at 622-24.

In this case, the CWA sent the request for information to the address A.N. gave the CWA, and the request for information was never returned. The CWA also provided A.N. with an email address, but A.N. never provided the requested information to CWA through that address either. Given this circumstance, I **CONCLUDE** that A.N. received the request for information.

To date, A.N. has still failed to provide the requested information. Without this information, eligibility cannot be determined. As a result, I further **CONCLUDE** that A.N. is ineligible for Medicaid.

### **ORDER**

Given my findings of fact and conclusions of law, I **ORDER** that A.N. is **INELIGIBLE** for Medicaid that this case is **DISMISSED**.

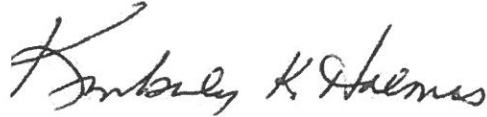
I **FILE** this initial decision with the **ASSISTANT COMMISSIONER OF THE DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**. This recommended decision is deemed adopted as the final agency decision under 42 U.S.C. § 1396a(e)(14)(A) and N.J.S.A. 52:14B-10(f). The **ASSISTANT COMMISSIONER OF THE DIVISION 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.

October 30, 2024

DATE



KIMBERLY K. HOLMES, ALJ

Date Record Closed:

October 24, 2024

Date Filed with Agency:

October 30, 2024

Date Sent to Parties:

October 30, 2024

Isr

**APPENDIX**

**Witnesses**

For Petitioner:

A.N.

For Respondent:

ShaRhonda Spencer, Human Service Specialist 2

**Exhibits**

For Petitioner:

None

For Respondent: Welfare Packet

- R-1 HMA Transmittal Document (Page 1 of 2)
- R-2 HMA Transmittal Document (Page 2 of 2)
- R-3 NJ Family Care Letter to A.N. dated March 20, 2024
- R-4 Explanation of Exiguity Determination received by respondent May 16, 2024
- R-5 Right to a Fair Hearing Notice to A.N. received by respondent May 16, 2024
- R-6 NJ Family Care Letter to A.N. dated February 22, 2024 (Page 1 of 2)
- R-7 NJ Family Care Letter to A.N. dated February 22, 2024 (Page 2 of 2)
- R-8 NJ Family Care Non-Discrimination Statement to A.N. (Page 1 of 2)
- R-9 NJ Family Care Non-Discrimination Statement to A.N. (Page 2 of 2)
- R-10 Respondent notes dated February 8, 2024, February 22, 2024, March 18, 2024, and March 21, 2024
- R-11 NJ Family Care Application Document (Page 1 of 5)
- R-12 NJ Family Care Application Document (Page 2 of 5)
- R-13 NJ Family Care Application Document (Page 3 of 5)
- R-14 NJ Family Care Application Document (Page 4 of 5)
- R-15 NJ Family Care Application Document (Page 5 of 5)
- R-16 Department of Human Services Dove Report dated October 22, 2024 (10:20 AM)
- R-17 Department of Human Services Dove Report dated October 22, 2024 (10:21 AM)